



Land Compensation Act 1961

1961 CHAPTER 33

An Act to consolidate the Acquisition of Land (Assessment of Compensation) Act, 1919, and certain other enactments relating to the assessment of compensation in respect of compulsory acquisitions of interests in land; to the withdrawal of notices to treat; and to the payment of additional compensation and of allowances in connection with such acquisitions or with certain sales by agreement of interests in land; with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [22nd June, 1961]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

1 Tribunal for assessing compensation in respect of land compulsorily acquired

Where by or under any statute (whether passed before or after the passing of this Act) land is authorised to be acquired compulsorily, any question of disputed compensation and, where any part of the land to be acquired is subject to a lease which comprises land not acquired, any question as to the apportionment of the rent payable under the lease, shall be referred to the Lands Tribunal and shall be determined by the Tribunal in accordance with the following provisions of this Act.

2 Procedure on references under s. 1

- (1) The following provisions shall have effect with respect to any proceedings on a question referred to the Lands Tribunal under section one of this Act.
- (2) The Lands Tribunal shall sit in public.

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- (3) Not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs; except that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.
- (4) A member of the Lands Tribunal dealing with the proceedings shall be entitled to enter on and inspect any land which is the subject of the proceedings.
- (5) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

3 Consolidation of proceedings on claims in respect of several interests in the same land

Where notices to treat have been served for the acquisition of several interests in any land then, if the acquiring authority so desire, the disputed claims of the persons entitled to those interests shall, so far as practicable, be heard and determined by the same member or members of the Lands Tribunal, and the Lord Chancellor may make rules under the Lands Tribunal Act, 1949, providing that such claims shall be heard together; but the value of the several interests shall be separately assessed.

4 Costs

- (1) Where either—
 - (a) the acquiring authority have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered; or
 - (b) the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable them to make a proper offer, a notice in writing of the amount claimed by him, containing the particulars mentioned in subsection (2) of this section;the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as they were incurred after the offer was made or, as the case may be, after the time when in the opinion of the Lands Tribunal the notice should have been delivered.
- (2) The notice mentioned in subsection (1) of this section must state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.
- (3) Where a claimant has delivered a notice as required by paragraph (b) of subsection (1) of this section and has made an unconditional offer in writing to accept any sum as compensation, then, if the sum awarded to him by the Lands Tribunal is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear their own costs and pay the costs of the claimant so far as they were incurred after his offer was made.
- (4) The Lands Tribunal may in any case disallow the cost of counsel.

- (5) Where the Lands Tribunal orders the claimant to pay the costs, or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.
- (6) Without prejudice to any other method of recovery, the amount of costs ordered to be paid by a claimant, or such part thereof as is not covered by such a deduction as is mentioned in subsection (5) of this section, shall be recoverable from -him summarily as a civil debt.

PART II

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

5 Rules for assessing compensation

Compensation in respect of any compulsory acquisition shall be assessed in accordance with the following rules:

- (1) No allowance shall be made on account of the acquisition being compulsory:
- (2) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise:
- (3) The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory -powers, or for which there is no market apart from the special needs of a particular purchaser or the requirements of any authority possessing compulsory purchase powers:
- (4) Where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the occupants of the premises or to the public health, the amount of that increase shall not be taken into account:
- (5) Where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Lands Tribunal is satisfied that reinstatement in some other place is bona fide intended, be assessed on the basis of the reasonable cost of equivalent reinstatement:
- (6) The provisions of rule (2) shall not affect the assessment of compensation for disturbance or any other matter not directly based on the value of land:
and the following provisions of this Part of this Act shall have effect with respect to the assessment.

6 Disregard of actual or prospective development in certain cases

- (1) Subject to section eight of this Act, no account shall be taken of any increase or diminution in the value of the relevant interest which, in the circumstances described

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in any of the paragraphs in the first column of Part I of the First Schedule to this Act, is attributable to the carrying out or the prospect of so much of the development mentioned in relation thereto in the second column of that Part as would not have been likely to be carried out if—

- (a) (where the acquisition is for purposes involving development of any of the land authorised to be acquired) the acquiring authority had not acquired and did not propose to acquire any of that land; and
 - (b) (where the circumstances are those described in one or more of paragraphs 2 to 4 in the said first column) the area or areas referred to in that paragraph or those paragraphs had not been defined or designated as therein mentioned.
- (2) The provisions of Part II of the First Schedule to this Act shall have effect with regard to paragraph 3 of Part I of that Schedule.
- (3) In this section and in the First Schedule to this Act—
- " the land authorised to be acquired "—
 - (a) in relation to a compulsory acquisition authorised by a compulsory purchase order or a special enactment, means the aggregate of the land comprised in that authorisation, and
 - (b) in relation to a compulsory acquisition not so authorised but effected under powers exercisable by virtue of any enactment for defence purposes, means the aggregate of the land comprised in the notice to treat and of any land contiguous or adjacent thereto which is comprised in any other notice to treat served under the like powers not more than one month before and not more than one month after the date of service of that notice;
- " defence purposes " has the same meaning as in the Land Powers (Defence) Act, 1958 ;
- and any reference to development of any land shall be construed as including a reference to the clearing of that land.

7 Effect of certain actual or prospective development of adjacent land in same ownership

- (1) Subject to section eight of this Act, where, on the date of service of the notice to treat, the person entitled to the relevant interest is also entitled in the same capacity to an interest in other land contiguous or adjacent to the relevant land, there shall be deducted from the amount of the compensation which would be payable apart from this section the amount (if any) of such an increase in the value of the interest in that other land as is mentioned in subsection (2) of this section.
- (2) The said increase is such as, in the circumstances described in any of the paragraphs in the first column of Part I of the First Schedule to this Act, is attributable to the carrying out or the prospect of so much of the relevant development as would not have been likely to be carried out if the conditions mentioned in paragraphs (a) and (b) of subsection (1) of section six of this Act had been satisfied ; and the relevant development for the purposes of this subsection is, in relation to the circumstances described in any of the said paragraphs, that mentioned in relation thereto in the second column of the said Part I, but modified, as respects the prospect of any development, by the omission of the words " other than the relevant land ", wherever they occur.

8 Subsequent acquisition of adjacent land and acquisition governed by enactment corresponding to s. 7

- (1) Where, for the purpose of assessing compensation in respect of a compulsory acquisition of an interest in land, an increase in the value of an interest in other land has, in any of the circumstances mentioned in the first column of Part I of the First Schedule to this Act, been taken into account by virtue of section seven of this Act or any corresponding enactment, then, in connection with any subsequent acquisition to which this subsection applies, that increase shall not be left out of account by virtue of section six of this Act, or taken into account by virtue of section seven of this Act or any corresponding enactment, in so far as it was taken- into account in connection with the previous acquisition.
- (2) Where, in connection with the compulsory acquisition of an interest in land, a diminution in the value of an interest in other land has, in any of the circumstances mentioned in the first column of the said Part I, been taken into account in assessing compensation for injurious affection, then, in connection with any subsequent acquisition to which this subsection applies, that diminution shall not be left out of account by virtue of section six of this Act in so far as it was taken into account in connection with the previous acquisition.
- (3) Subsections (1) and (2) of this section apply to any subsequent acquisition where either—
 - (a) the interest acquired by the subsequent acquisition is the same as the interest previously taken into account (whether the acquisition extends to the whole of the land in which that interest previously subsisted or only to part of that land), or
 - (b) the person entitled to the interest acquired is, or derives title to that interest from, the person who at the time of the previous acquisition was entitled to the interest previously taken into account;and in this subsection any reference to the interest previously taken into account is a reference to the interest the increased or diminished value whereof was taken into account as mentioned in subsection (1) or subsection (2) of this section.
- (4) Where, in connection with a sale of an interest in land by agreement, the circumstances were such that, if it had been a compulsory acquisition, an increase or diminution of value would have fallen to be taken into account as mentioned in subsection (1) or subsection (2) of this section, the preceding provisions of this section shall apply, with the necessary modifications, as if that sale had been a compulsory acquisition and that increase or diminution of value had been taken into account accordingly.
- (5) Section seven of this Act shall not apply to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any corresponding enactment, nor to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any local enactment which provides (in whatever terms) that, in assessing compensation in respect of a compulsory acquisition thereunder, account shall be taken of any increase in the value of an interest in contiguous or adjacent land which is attributable to any of the works authorised by that enactment.
- (6) Where any such local enactment as is mentioned in subsection (5) of this section includes a provision restricting the assessment of the increase in value thereunder by reference to existing use (that is to say, by providing, in whatever terms, that the increase in value shall be assessed on the assumption that planning permission

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in respect of the contiguous or adjacent land in question would be granted for development of any class specified in the Third Schedule to the Town and Country Planning Act, 1947, but would not be granted for any other development thereof), the enactment shall have effect as if it did not include that provision.

- (7) References in this section to a corresponding enactment are references to any of the following, that is to say.—
- (a) section thirteen of the Light Railways Act, 1896;
 - (b) sub-paragraph (C) of paragraph (2) of the Schedule to the Development and Road Improvement Funds Act, 1909;
 - (c) subsection (6) of section two hundred and twenty-two of the Highways Act, 1959 ;
 - (d) paragraph 4 of Part III of the Third Schedule to the Housing Act, 1957;
- and, in subsection (1), include references to any such local enactment as is mentioned in subsection (5).

9 Disregard of depreciation due to prospect of acquisition by authority possessing compulsory purchase powers

No account shall be taken of any depreciation of the value of the relevant interest which is attributable to the fact that (whether by way of designation, allocation or other particulars contained in the current development plan, or by any other means) an indication has been given that the relevant land is, or is likely, to be acquired by an authority possessing compulsory purchase powers.

Special Cases

10 Acquisition of houses unfit for human habitation

The provisions of the Second Schedule to this Act shall have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that Schedule.

11 Land of statutory undertakers

In relation to compulsory acquisitions of interests in land which has been acquired by statutory undertakers (within the meaning of the Town and Country Planning Act, 1947) for the purposes of their undertaking, the provisions of this Act shall have effect subject to the provisions of subsection (5) of section forty-five of that Act (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).

12 Outstanding right to compensation for refusal, etc. of planning permission

- (1) Where, in the case of any compulsory acquisition, a planning decision or order has been made before the service of the notice to treat, and in consequence of the decision or order any person is entitled (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction by the Minister under section twenty-three or section forty-five of the Town and Country Planning Act, 1954) to compensation for depreciation of the value of an interest in land which consists of or includes the whole or part of the relevant land, then if—

- (a) no notice stating that the compensation has become payable has been registered before the date of service of the notice to treat (whether or not a claim for compensation has been made); but
- (b) such a notice is registered on or after that date;

the compensation payable in respect of the compulsory acquisition shall be assessed as if the said notice had been registered before the date of service of the notice to treat and had remained on the register of local land charges on that date.

- (2) In this section any reference to compensation for depreciation of the value of an interest in land is a reference to compensation payable either—
- (a) under Part II or Part V of the Town and Country Planning Act, 1954, in respect of depreciation of the value of that interest, or
 - (b) under subsection (1) of section twenty-two of the Town and Country Planning Act, 1947, in respect of loss or damage consisting of depreciation of the value of that interest;

any reference to registration is a reference to registration in the register of local land charges under subsection (5) of section twenty-eight of the Act of 1954, or under the provisions of that subsection as applied by section thirty-nine or section forty-six of that Act; and " the relevant provisions ", in relation to compensation under the said Part II or the said Part V, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under the said subsection (1), means 'the provisions of regulations made under the said Act of 1947 with respect to claims for compensation under that subsection.

13 War-damaged land

- (1) Where an interest in any hereditament or part of a hereditament which has sustained war damage is compulsorily acquired, then if—
- (a) any of the damage has not been made good at the date of the notice to treat; and
 - (b) the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory acquisition and apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works;

the following provisions of this section shall have effect.

- (2) Where the land would, but for the occurrence of the war damage, be devoted to any such purpose as is mentioned in rule (5) of the rules set out in section five of this Act, the provisions of that rule shall have effect for the purposes of the assessment of compensation payable in respect of the compulsory acquisition as if the land were devoted to that purpose.
- (3) Where (whether by virtue of subsection (2) of this section or otherwise) the compensation payable in respect of the acquisition falls to be assessed in accordance with the said rule (5) the reasonable cost of equivalent reinstatement shall be ascertained for the purposes of that rule by reference to the state of the land immediately before, the occurrence of the war damage.

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Assumptions as to planning permission

14 Assumptions as to planning permission

- (1) For the purpose of assessing compensation in respect of any compulsory acquisition, such one or more of the assumptions mentioned in sections fifteen and sixteen of this Act as are applicable to the relevant land or any part thereof shall be made in ascertaining the value of the relevant interest.
- (2) Any planning permission which is to be assumed in accordance with any of the provisions of those sections is in addition to any planning permission which may be in force at the date of service of the notice to treat.
- (3) Nothing in those provisions shall be construed as requiring it to be assumed that planning permission would necessarily be refused for any development which is not development for which, in accordance with those provisions, the granting of planning permission is to be assumed; but, in determining whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land, regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part III of this Act.
- (4) For the purposes of any reference in this section, or in section fifteen of this Act, to planning permission which is in force on the date of service of the notice to treat, it is immaterial whether the planning permission in question was granted—
 - (a) unconditionally or subject to conditions, or
 - (b) in respect of the land in question taken by itself or in respect of an area including that land, or
 - (c) on an ordinary application or on an outline application or by virtue of a development order,or is planning permission which, in accordance with any direction or provision given or made by or under any enactment, is deemed to have been granted.

15 Assumptions not directly derived from development plans

- (1) In a case where—
 - (a) the relevant interest is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for development of the relevant land or part thereof, and
 - (b) on the date of service of the notice to treat there is not in force planning permission for that development,it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, such as would permit development thereof in accordance with the proposals of the acquiring authority.
- (2) For the purposes of paragraph (b) of the preceding subsection, no account shall be taken of any planning permission so granted as not to enure (while the permission remains in force) for the benefit of the land and of all persons for the time being interested therein.
- (3) Subject to subsection (4) of this section, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in the Third Schedule to the Town and Country Planning Act, 1947 (which relates to development included in the existing use of land).

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- (4) Notwithstanding anything in subsection (3) of this section—
- (a) it shall not by virtue of that subsection be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, if it is development for which planning permission was refused at any time before the date of service of the notice to treat and compensation under section twenty of the said Act of 1947 became payable in respect of that refusal;
 - (b) where, at any time before the said date, planning permission was granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Part II, but was so granted subject to conditions, and compensation under the said section twenty became payable in respect of the imposition of the conditions, it shall not by virtue of the said subsection (3) be assumed that planning permission for that development, in respect of the relevant land or that part thereof, as the case may be, would be granted otherwise than subject to those conditions;
 - (c) where, at any time before the said date, an order was made under section twenty-six of the said Act of 1947, in respect of the relevant land or any part thereof, requiring the removal of any building or the discontinuance of any use, and compensation became payable in respect of that order under section twenty-seven of that Act, it shall not by virtue of the said subsection (3) be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for the rebuilding of that building or the resumption of that use.
- (5) Where a certificate is issued under the provisions of Part III of this Act, it shall be assumed that any planning permission which, according to the certificate, might reasonably have been expected to be granted in respect of the relevant land or part thereof would be so granted, but, where any conditions are, in accordance with those provisions, specified in the certificate, only subject to those conditions and, if any future time is so specified, only at that time.

16 Special assumptions in respect of certain land comprised in development plans

- (1) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of a site defined in the current development plan as the site of proposed development of a description specified in relation thereto in the plan, it shall be assumed that planning permission would be granted for that development.
- (2) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a use specified in the plan in relation to that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—
 - (a) is development for the purposes of that use of the relevant land or that part thereof, and
 - (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.
- (3) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan

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as an area allocated primarily for a range of two or more uses specified in the plan in relation to the whole of that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—

- (a) is development for the purposes of a use of the relevant land or that part thereof, being a use falling within that range of uses, and
 - (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.
- (4) If the relevant land or any part thereof is land subject to comprehensive development, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development for the purposes of a use of the relevant land or that part thereof falling within the planned range of uses (whether it is the use which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, is indicated in the plan as the proposed use of the relevant land or that part thereof, or is any other use falling within the planned range of uses) being development for which, in the circumstances specified in the next following subsection, planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.
- (5) The circumstances referred to in the last preceding subsection are those which would have existed if—
- (a) the area in question had not been defined in the current development plan as an area of comprehensive development, and no particulars or proposals relating to any land in that area had been comprised in the plan, and
 - (b) in a case where, on the date of service of the notice to treat, land in that area has already been developed in the course of the development or redevelopment of the area in accordance with the plan, no land in that area had been so developed on or before that date;

and in that subsection " the planned range of uses" means the range of uses which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, are indicated in the plan as proposed uses of land in that area.

- (6) Where in accordance with any of the preceding subsections it is to be assumed that planning permission would be granted as therein mentioned—
- (a) the assumption shall be that planning permission would be so granted subject to such conditions (if any) as, in the circumstances mentioned in the subsection in question, might reasonably be expected to be imposed by the authority granting the permission, and
 - (b) if, in accordance with any map or statement comprised in the current development plan, it is indicated that any such planning permission would be granted only at a future time, then (without prejudice to the preceding paragraph) the assumption shall be that the planning permission in question would be granted at the time when, in accordance with the indications in the plan, that permission might reasonably be expected to be granted.
- (7) Any reference in this section to development for which planning permission might reasonably have been expected to be granted is a reference to development for which planning permission might reasonably have been expected to be granted if no

part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers.

- (8) In this section " land subject to comprehensive development " means land which consists or forms part of an area defined in the current development plan as an area of comprehensive development.

PART III

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

17 Certification of appropriate alternative development

- (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—
- (a) an area defined in the development plan as an area of comprehensive development, or
 - (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,
- then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.
- (2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—
- (a) with the consent in writing of the other of those parties, or
 - (b) with the leave of the Lands Tribunal.
- (3) An application under this section made by either of the said parties—
- (a) shall specify one or more classes of development appearing to the applicant to be classes of development which would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers; and
 - (b) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served upon the other of those parties.
- (4) Where an application is made to the local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in paragraph (b) of subsection (3) of this section, issue to the applicant a certificate stating either of the following to be the opinion of the local planning authority regarding the planning permission that might have been expected to be granted in respect of the land in question, if it were not proposed to be acquired by any authority possessing compulsory purchase powers, that is to say—

- (a) that planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) might reasonably have been expected to be granted ; or
 - (b) that planning permission could not reasonably have been expected to be granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.
- (5) Where, in the opinion of the local planning authority, planning permission might reasonably have been expected to be granted as mentioned in paragraph (a) of subsection (4) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of subsection (5) of this section, a local planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the local planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.
- (7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development might reasonably have been expected to be granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.
- (8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.
- (9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

18 Appeals against certificates under s. 17

- (1) Where the local planning authority have issued a certificate under section seventeen of this Act in respect of an interest in land.—
- (a) the person for the time being entitled to that interest, or
 - (b) any authority possessing compulsory purchase powers by whom that interest is proposed to be acquired,
- may appeal to the Minister against that certificate.
- (2) On any appeal under this section against a certificate the Minister shall consider the matters to which the certificate relates as if the application for a certificate under section seventeen of this Act had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate.

- (3) Before determining any such appeal the Minister shall, if any such person or authority as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section so desires, afford to each such person or authority and to the local planning authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.
- (4) Where an application is made for a certificate under section seventeen of this Act, and at the expiry of the time prescribed by a development order for the issue thereof (or, if an extended period is at any time agreed upon in writing by the parties and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section shall apply as if the local planning authority had issued such a certificate containing such a statement as is mentioned in paragraph (b) of subsection (4) of that section.

19 Extension of ss. 17 and 18 to special cases

- (1) Where an interest in land is proposed to be acquired in the circumstances mentioned in subsection (1) of section seventeen of this Act, and, by reason that the person entitled to the interest is absent from the United Kingdom or cannot be found, the compensation payable in respect of the interest falls to be determined by the valuation of a surveyor under section fifty-eight of the Lands Clauses Consolidation Act, 1845, the surveyor, before carrying out his valuation, may apply to the local planning authority for a certificate under the said section seventeen; and the provisions of that section and of section eighteen of this Act shall apply in relation to an application made by virtue of this subsection as they apply in relation to an application made by virtue of subsection (1) of the said section seventeen.
- (2) Where, in pursuance of an application made by virtue of subsection (1) of this section, the local planning authority issue a certificate to the surveyor, the authority shall serve copies of the certificate on both the parties directly concerned.
- (3) An application for a certificate made by virtue of subsection (1) of this section shall specify the matters referred to in paragraph (a) of subsection (3) of the said section seventeen, and shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on each of the parties directly concerned; and, in relation to such an application, subsection (4) of that section shall have effect with the substitution, for the reference to the date specified in the statement mentioned in paragraph (b) of the said subsection (3), of a reference to the date specified in accordance with this subsection, or, where more than one date is so specified, the later of those dates.

20 Power to prescribe matters relevant to Part III

The provisions which may be made by a development order shall include provision for regulating the manner in which applications under section seventeen or nineteen of this Act and appeals under section eighteen of this Act are to be made and dealt with respectively, and in particular—

- (a) for prescribing (subject to the provisions of subsection (4) of section seventeen of this Act) the time within which a certificate is required to be issued under that section ;

- (b) for prescribing the manner in which notices of appeals under section eighteen of this Act are to be given, and the time for giving any such notice;
- (c) for requiring local planning authorities to furnish the Minister, and such other persons (if any) as may be prescribed by or under the order, with such information as may be so prescribed with respect to applications under the said section seventeen or the said section nineteen, including information whether any such application has been made in respect of any particular land and information as to the manner in which any such application has been dealt with, together, in such cases as may be so prescribed, with copies of certificates issued under the said section seventeen ;
- (d) for requiring a local planning authority, on issuing a certificate specifying conditions by reference to general requirements in accordance with subsection (6) of the said section seventeen, to supply a copy of those requirements (or of so much thereof as is relevant to the certificate) with each copy of the certificate, unless, before the certificate is issued, the requirements in question have been made available to the public in such manner as may be specified in the development order.

21 Proceedings for challenging validity of decision on appeal under s. 18

- (1) If any person aggrieved by a decision of the Minister under section eighteen of this Act or the local planning authority desires to question the validity of that decision on the ground that it is not within the powers of this Act or that any of the requirements of this Act or of a development order or of the Tribunals and Inquiries Act, 1958, or rules made thereunder have not been complied with in relation to it, that person or authority may, within six weeks from the date of the decision, make an application to the High Court, and the High Court—
 - (a) may by interim order suspend the operation of the decision until the determination of the proceedings;
 - (b) if satisfied that the decision is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with the said requirements, may quash the decision.
- (2) Subject to subsection (1) of this section, the validity of a decision on an appeal under section eighteen of this Act shall not be questioned in any legal proceedings whatsoever.
- (3) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Minister to give a decision on an appeal under section eighteen of this Act.

22 Interpretation of Part III

- (1) In this Part of this Act " the parties directly concerned ", in relation to an interest in land, means the person entitled to the interest and the authority by whom it is proposed to be acquired.
- (2) For the purposes of sections seventeen and eighteen of this Act, an interest in land shall be taken to be an interest proposed to be acquired by an authority possessing compulsory purchase powers in the following (but no other) circumstances, that is to say—

- (a) where, for the purposes of a compulsory acquisition by that authority of land consisting of or including land in which that interest subsists, a notice required to be published or served in connection with that acquisition, either by an Act or by any Standing Order of either House of Parliament relating to petitions for private bills, has been published or served in accordance with that Act or Order; or
 - (b) where a notice requiring the purchase of that interest has been served under any enactment, and in accordance with that enactment that authority are to be deemed to have served a notice to treat in respect of that interest; or
 - (c) where an offer in writing has been made by or on behalf of that authority to negotiate for the purchase of that interest.
- (3) For the purpose of determining whether an application can be made at any time in relation to any land under subsection (1) of section seventeen or under section nineteen of this Act, any reference in the said subsection (1) to the development plan shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan is in force at the following time, that is to say, where neither of the following paragraphs apply, the time of the application, and—
- (a) where the interest in question is to be acquired in the circumstances mentioned in paragraph (b) of subsection (2) of this section or the acquiring authority (otherwise than in those circumstances) have served a notice to treat in respect of that interest; or
 - (b) where the acquiring authority have entered into a contract for the purchase of that interest,
- the date of service of the notice to treat or the date of the contract or, where both paragraphs apply, the later of those dates.

PART IV

COMPENSATION IN CERTAIN CASES OF DEVELOPMENT AFTER ACQUISITION

23 Compensation for new planning permission granted after acquisition of land

- (1) Where—
- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of five years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and
 - (b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,
- then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.
- (2) The amount referred to in paragraph (b) of subsection (1) of this section is the principal amount of the compensation which would have been payable in respect of

a compulsory acquisition of the said interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date, if the planning decision mentioned in paragraph (a) of the said subsection (1) had been made before that date and the permission granted thereby had been in force on that date.

- (3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates—
- (a) to land which on the relevant date consisted or formed part of an area defined in a development plan as an area of comprehensive development; or
 - (b) to land acquired by the acquiring authority, whether compulsorily or by agreement, under paragraph (a) of subsection (1) of section four of the New Towns Act, 1946 (which relates to the acquisition by development corporations of land within areas designated as the sites of new towns); or
 - (c) to land acquired by the acquiring authority in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946 (whereby a development corporation can be required to purchase an interest in land in a new town); or
 - (d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area defined in a development plan as an area of town development.
- (4) If in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

24 Provisions as to claims under s. 23

- (1) For the purpose of facilitating the making of claims for compensation under section twenty-three of this Act—
- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in paragraph (a) of subsection (1) of that section, or
 - (b) any person claiming under him as being a person who, if compensation under that section became payable, would be entitled thereto by virtue of subsection (4) of that section,
- may give to the acquiring authority an address for service under this section,
- (2) Where, at any time after a person has given an acquiring authority an address for service under this section, and before the end of the period mentioned in paragraph (a) of subsection (1) of section twenty-three of this Act, such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall give notice of the decision in the prescribed form to that person at that address; but if an address for service has been given by such a person as is mentioned in paragraph (b) of subsection (1) of this section and the acquiring authority have reasonable grounds for believing that the person mentioned in paragraph (a) of that subsection is dead or that any other act or event has occurred as mentioned in subsection (4) of the said section

twenty-three, the acquiring authority need not give a notice to the person mentioned in the said paragraph (a).

- (3) A claim for compensation under section twenty-three of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say,—
- (a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision ;
 - (b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

except that where there is an appeal against the planning decision the date of the decision on the appeal shall be substituted in paragraph (a) of this subsection for the date of the decision.

The references in this subsection to an appeal against a planning decision include an appeal made by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947.

- (4) Where a person has given to an acquiring authority an address for service under this section, and that authority, before the end of the period mentioned in paragraph (a) of subsection (1) of section twenty-three of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to a freehold interest in, or tenancy of, that land or that part thereof, as the case may be, they shall notify the local planning authority; and thereafter it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision of which the acquiring authority are required to give notice under subsection (2) of this section.
- (5) Notice under subsection (4) of this section of a planning decision—
- (a) in the case of a decision made by the local planning authority, shall be given within seven days after the making of the decision, and
 - (b) in any other case, shall be given within seven days after the making of the decision has been notified to the local planning authority.
- (6) Subject to the preceding provisions of this section, the provisions of Part I of this Act (so far as applicable) shall apply in relation to the assessment of compensation under section twenty-three of this Act as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

25 Extension of ss. 23 and 24 to planning permission where no planning decision made

- (1) The provisions of sections twenty-three and twenty-four of this Act (except subsection (2) of the said section twenty-four) shall have effect in relation to any planning permission which, in accordance with any direction or provision given or made by or under an enactment, is deemed to be granted for any development, as if a planning decision granting that permission had been made at the following time, that is to say.—
- (a) where the enactment contains provision as to the time when the permission is deemed to be granted, at that time;
 - (b) where the enactment contains no such provision, at the time when the direction is given.

- (2) The provisions of sections twenty-three and twenty-four of this Act (except subsection (2) of the said section twenty-four) shall have effect in relation to any planning permission which is granted for any development by virtue of a development order, as if—
- (a) a planning decision granting that permission had been made at the time of the occurrence of the event in consequence of which (in accordance with the provisions of the order) the development is deemed to be sanctioned by a government department, or
 - (b) in a case not falling within the preceding paragraph, such a planning decision had been made at the time when the development is initiated.
- (3) Where the provisions of section twenty-three of this Act have effect as applied by subsection (1) or subsection (2) of this section, then if—
- (a) before the time of the planning decision which is to be assumed in accordance with those provisions as so applied, a person who (under subsection (1) of section twenty-four of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority, and
 - (b) the development is proposed to be carried out by the acquiring authority, or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,
- it shall, subject to subsection (4) of this section, be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the person mentioned in paragraph (a) of this subsection at the address given by him to the authority.
- (4) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in paragraph (a) of subsection (1) of section twenty-four of this Act after an address for service has been given to them by such a person as is mentioned in paragraph (b) of the said subsection (1), if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in subsection (4) of section twenty-three of this Act.

26 Extension of s. 23 to Crown development

- (1) Where—
- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and before the end of the period of five years beginning with the date of completion there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and
 - (b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required;

the provisions of sections twenty-three and twenty-four of this Act (except subsection (2) of the said section twenty-four) shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

- (2) The said circumstances are either or both of the following, that is to say—

- (a) that the development is initiated by or on behalf of the Crown;
 - (b) that there is a Crown or Duchy interest in the land and the development is initiated in right of that interest.
- (3) Subject to subsection (4) of this section, subsections (3) and (4) of section twenty-five of this Act shall apply where the provisions of section twenty-three of this Act have effect as applied by subsection (1) of this section as they apply where those provisions have effect as applied by subsection (1) or subsection (2) of the said section twenty-five.
- (4) Where, by virtue of subsection (3) of this section, it is the duty of a government department to give notice of development initiated by or on behalf of that department, and the Minister or Board in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate, the department shall give notice of development, but shall not be required to give any particulars of the nature thereof except to the extent specified in the certificate.
- (5) In this section " Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department.

27 Application of Part IV to certain cases

The preceding provisions of this Part of this Act shall have effect subject to the provisions of the Third Schedule to this Act.

28 Regulations for purposes of Part IV

- (1) The Minister may by statutory instrument make regulations for prescribing the form of any notice required by this Part of this Act to be given in the prescribed form.
- (2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

29 Interpretation of Part IV

- (1) In this Part of this Act—
 - " additional development ", in relation to an acquisition or sale of an interest in land, means any development of the land other than the following, that is to say—
 - (a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;
 - (b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;
 - (c) development for which planning permission was in force on the relevant date ; and
 - (d) development for which—

Status: This is the original version (as it was originally enacted).

- (i) in the case of a compulsory acquisition, it was, for the purpose of assessing compensation in respect thereof, assumed (in accordance with the provisions of sections fourteen to sixteen of this Act) that planning permission would be granted, or
- (ii) in the case of a sale by agreement it would have been so assumed that planning permission would be granted if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date;

" date of completion ", in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority;

" local authority " means the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;

" prescribed " means prescribed by regulations under this Part of this Act;

" the relevant date ", in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat, and, in relation to a sale of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

- (2) In this Part of this Act any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission for that development—
- (a) either unconditionally or subject to conditions, and
 - (b) either in respect of that land taken by itself or in respect of an area including that land, and
 - (c) either on an ordinary application or on an outline application,
- and any reference to an area defined in a development plan is a reference to an area defined in such a plan in the form in which (whether as originally approved or made by the Minister or as subsequently amended) that plan was in force on the relevant date.

PART V

MISCELLANEOUS AND GENERAL

30 Power to pay allowances to persons displaced

- (1) Where any interest in land is compulsorily acquired or is sold by agreement to an authority possessing compulsory purchase powers, the acquiring authority—
- (a) may pay to any person displaced from a house or other building on that land such reasonable allowance as they think fit towards his expenses in removing therefrom ; and
 - (b) may pay to any person carrying on any trade or business in any such house or other building such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent upon his having to quit the house or building.

- (2) In estimating the loss of any person for the purposes of paragraph (b) of the preceding subsection, the authority shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business, and to the availability of other premises suitable for that purpose.
- (3) The preceding provisions of this section shall have effect without prejudice to the operation of any other enactments authorising the making of payments to or in respect of persons displaced or otherwise affected by acquisitions by authorities possessing compulsory purchase powers.

31 Withdrawal of notices to treat

- (1) Where a claimant has delivered such a notice as is mentioned in paragraph (b) of subsection (1) of section four of this Act, the acquiring authority may, at any time within six weeks after the delivery thereof, withdraw any notice to treat which has been served on him or on any other person interested in the land authorised to be acquired.
- (2) Where a claimant has failed to deliver a notice as required by the said paragraph (b), the acquiring authority may, at any time after the decision of the Lands Tribunal on his claim but not later than six weeks after the claim has been finally determined, withdraw any notice to treat which has been served on him or on any other person interested in the land authorised to be acquired, unless the authority have entered into possession of the land by virtue of the notice.
- (3) Where the acquiring authority withdraw a notice to treat under this section, the authority shall be liable to pay compensation to the person to whom it was given for any loss or expenses occasioned to him by the giving and withdrawal of the notice, but if the notice is withdrawn under subsection (2) of this section, not for any loss or expenses incurred by the claimant mentioned therein after the time when, in the opinion of the Lands Tribunal, a proper notice of claim should have been delivered by him.
- (4) The amount of any compensation payable under subsection (3) of this section shall, in default of agreement, be determined by the Lands Tribunal.
- (5) So long as the acquiring authority are entitled to withdraw a notice to treat under subsection (2) of this section, the authority shall not be compellable to take the land to which the notice relates or to pay any compensation awarded in respect of the taking.
- (6) For the purposes of this section, a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired,

32 Rate of interest after entry on land

- (1) The rate of interest on any compensation in respect of the compulsory acquisition of an interest in any land on which entry has been made before the payment of the compensation shall (instead of being the rate of five per cent. specified under section eighty-five of the Lands Clauses Consolidation Act, 1845) be such rate as may from time to time be prescribed by regulations made by the Treasury.

Status: This is the original version (as it was originally enacted).

- (2) Any such regulations shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

33 Application of Act to Crown

This Act applies in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments, being authorities possessing compulsory purchase powers, as it applies in relation to the acquisition of interests in land by such authorities which are not government departments.

34 Special provision as to ecclesiastical property in England

- (1) Where the fee simple of any ecclesiastical property, not being property in Wales or Monmouthshire, is in abeyance, it shall be treated for the purposes of this Act as being vested in the Church Commissioners.
- (2) In this section "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

35 Certificates of value

The Lands Tribunal may on the application of any person certify the value of land being sold by him to an authority possessing compulsory purchase powers, and the sale of the land to that authority at the price so certified shall be deemed to be a sale at the best price that can reasonably be obtained.

36 Saving for certain statutory purchases of statutory undertakings

- (1) Nothing in this Act shall apply to any purchase of the whole or any part of any statutory undertaking under any enactment in that behalf prescribing the terms on which the purchase is to be effected.
- (2) In this section, "statutory, undertaking" means an undertaking established by an enactment.

37 Local inquiries

The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall have effect with respect to any such inquiry.

38 Service of notices

- (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under Part III or Part IV of this Act may be served or given either—
- (a) by delivering it to the person on whom it is to be served or to whom it is to be given ; or

- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address; or
 - (c) by sending it in a pre-paid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address; or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a pre-paid registered letter addressed to the secretary or clerk of the company or body at that office.
- (2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, the notice shall be deemed to be duly served if—
- (a) being addressed to him either by name or by the description of "the owner" of the premises (describing them) it is delivered or sent in the manner mentioned in paragraph (a), (b) or (c) of subsection (1) of this section; or
 - (b) being addressed as aforesaid and marked in the manner for the time being prescribed by regulations under the Town and Country Planning Act, 1947, for securing that notices thereunder are plainly identifiable as a communication of importance, it is sent in a pre-paid registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

39 Interpretation

- (1) In this Act, except where the context otherwise requires,—

"acquiring authority", in relation to an interest in land, means the person or body of persons by whom the interest is, or is proposed to be, acquired;

"authority possessing compulsory purchase powers", where it occurs otherwise than in relation to a transaction, means any person or body of persons who could be or have been authorised to acquire an interest in land compulsorily, and, in relation to any transaction, means any person or body of persons who could be or have been so authorised for the purposes for which the transaction is or was effected or a parish council or parish meeting on whose behalf a county council could be or have been so authorised;

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"the current development plan", in relation to any land, means a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan is in force on the date of service of the notice to treat;

"development" has the meaning assigned to it by section twelve of the Town and Country Planning Act, 1947, and "develop" shall be construed accordingly;

"development order" means an order under subsection (1) of section thirteen of the Town and Country Planning Act, 1947;

"development plan" has the meaning assigned to it by section five of the Town and Country Planning Act, 1947, and includes a plan made under subsection (5) of that section;

Status: This is the original version (as it was originally enacted).

" enactment " includes an enactment in any local or private Act of Parliament and an order, rule, regulation, bye-law or scheme made under an Act of Parliament.

" land " means any corporeal hereditament, including a building as defined by this section, and includes any interest or right in or over land and any right to water;

" local enactment " means any local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

" local planning authority " has the meaning assigned to it by section four of the Town and Country Planning Act, 1947;

" the Minister " means the Minister of Housing and Local Government;

" outline application " means an application for planning permission subject to subsequent approval on any matters;

" planning decision " means a decision made on an application under Part III of the Town and Country Planning Act, 1947;

" planning permission " means permission under Part III of the Town and Country Planning Act, 1947;

" special enactment " means a local enactment, or a provision contained in an Act other than a local or private Act, being a local enactment or provision authorising the compulsory acquisition of land specifically identified therein;

" tenancy " has the same meaning as in the Landlord and Tenant Act, 1954.

- (2) In this Act, in relation to a compulsory acquisition in pursuance of a notice to treat, " the relevant interest " means the interest acquired in pursuance of that notice, " the relevant land " means the land in which the relevant interest subsists, and " the notice to treat " means the notice to treat in pursuance of which the relevant interest is acquired.
- (3) As respects references in this Act to planning decisions—
- (a) in relation to a decision altered on appeal by the reversal or variation of the whole or any part thereof, such references shall be construed as references to the decision as so altered;
 - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal;
 - (c) in relation to a decision given on an appeal made by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947, in default of a decision by the local planning authority, such references shall be construed as references to the decision so given ;
 - (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority, whether or not that decision is or was altered as aforesaid on that appeal, or, in the case of such a decision as is mentioned in paragraph (c) of this subsection, the time when by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947, the notification of a decision by the local planning authority is deemed to have been given.
- (4) References in this Act to a contract are references to a contract in writing or a contract attested by a memorandum or note thereof in writing, signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references

to the conveyance or assignment; and references to the making of a contract are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.

- (5) References in this Act—
- (a) to a person from whom title is derived by another person include references to any predecessor in title of that other person;
 - (b) to a person deriving title from another person include references to any successor in title of that other person;
 - (c) to deriving title are references to deriving title either directly or indirectly.
- (6) For the purposes of this Act, a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—
- (a) to both of them beneficially, or
 - (b) to both of them as trustee of one particular trust, or
 - (c) to both of them as personal representative of one particular person.
- (7) For the purposes of this Act development of land shall be taken to be initiated—
- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
 - (b) if the development consists of a change in use, at the time when the new use is instituted ;
 - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.
- (8) References in this Act to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.
- (9) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

40 Consequential amendments, repeals and transitional provisions

- (1) Any enactment or document referring to an enactment repealed by this Act shall be construed as referring to the corresponding enactment in this Act.
- (2) Without prejudice to the generality of subsection (1) of this section—
- (a) any enactment excluding the power conferred by sub section (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw notices to treat shall be construed as excluding any such power conferred by section thirty-one of this Act; and
 - (b) the enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments specified in that Schedule.
- (3) The enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The mention of particular matters in this section shall not be taken to affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

Status: This is the original version (as it was originally enacted).

- (5) Any regulations made under subsection (2) of section fifty-seven of the Town and Country Planning Act, 1947, or made under section fifty-five of the Town and Country Planning Act, 1959, for the purposes of section nineteen or section twenty of that Act shall have effect respectively as if made under section thirty-two or section twenty-eight of this Act.

41 Saving for transactions before commencement

This Act (including the amendments and repeals made by it) shall not have effect in relation to any compulsory acquisition in pursuance of a notice to treat served before the commencement of this Act or served in the exercise of powers conferred by Part II of the Requisitioned Land and War Works Act, 1945 ; nor in relation to any sale of an interest in land by agreement in pursuance of a contract made before the commencement of this Act.

42 Short title, commencement and extent

- (1) This Act may be cited as the Land Compensation Act, 1961.
- (2) This Act shall come into operation on the first day of August, nineteen hundred and sixty-one.
- (3) This Act does not extend to Scotland or Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Sections 6, 7.

ACTUAL OR PROSPECTIVE DEVELOPMENT RELEVANT FOR PURPOSES OF SECTIONS 6 & 7

PART I

DESCRIPTION OF DEVELOPMENT

<i>Case</i>	<i>Development</i>
1. Where the acquisition is for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the current development plan as an area of comprehensive development.	Development of any land in that area, other than the relevant land, in the course of the development or redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under the New Towns Act, 1946.	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
4. Where any of the relevant land forms part of an area defined in the current development plan as an area of town development.	Development of any land in that area, other than the relevant land, in the course of town development within the meaning of the Town Development Act, 1952.

PART II

SPECIAL PROVISIONS AS TO NEW TOWNS

- 5 In this Part of this Schedule " the transfer date "; in relation to a new town, means the date on which, by virtue of any enactment contained in any Act relating to new towns, whether passed before or after this Act, the development corporation established for the purposes of that new town ceases to act, except for purposes of or incidental to the winding up of its affairs.
- 6 Land shall not be treated as forming part of such an area as is mentioned in paragraph 3 of this Schedule if the notice to treat is served on or after the transfer date.

Status: This is the original version (as it was originally enacted).

- 7 In determining whether the relevant land forms part of such an area as is mentioned in the said paragraph 3,—
- (a) in the case of an area designated as the site of a new town by an order which became operative on or before the twenty-ninth day of October, nineteen hundred and fifty-eight, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded ;
 - (b) in the case of an area designated as the site of a new town by an order which became operative after the said twenty-ninth day of October, whether before or after the passing of this Act, regard shall be had to the order in its original form, and any variation of the order shall be disregarded.
- 8 For the purpose of determining whether any development of which there is a prospect on the date of service of the notice to treat would be such development as is described in the said paragraph 3, it is immaterial whether the time when that development will or may take place is a time before, on or after the transfer date.

SECOND SCHEDULE

Section 10.

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

- 1 (1) Nothing in this Act shall be construed as excluding the provisions of the Act of 1957 as to site value, but those provisions shall have effect in addition to the provisions of this Act.
- (2) Subject to paragraph 3 of this Schedule, the compensation payable in respect of a compulsory acquisition in relation to which any of the said provisions as to site value apply (whether by virtue of the Act of 1957 or of an order under paragraph 2 of this Schedule) shall not in any event exceed the amount of the compensation which would have been payable in respect thereof if—
- (a) none of those provisions had applied to the acquisition, and
 - (b) in a case where any of the relevant land is in an area which has been declared under Part III of the Act of 1957 to be a clearance area, or which constitutes a re-development area within the meaning of that Part of that Act, that area had not been declared to be a clearance area or did not constitute such a re-development area, as the case may be,
- but in all other respects the acquisition had been effected in the circumstances in which it actually is effected.
- 2 (1) Where a compulsory acquisition is—
- (a) an acquisition under Part IV of the Town and Country Planning Act, 1947. or
 - (b) an acquisition under section six of the Town Development Act. 1952, or
 - (c) an acquisition in pursuance of Part IV of the Town and Country Planning Act, 1959, or
 - (d) an acquisition of land within the area designated by an order under section one of the New Towns Act, 1946. as the site of a new town, or
 - (e) an acquisition by a development corporation or local highway authority or the Minister of Transport under the New Towns Act, 1946, or under any enactment as applied by any provision of that Act,

and the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation, the following provisions of this paragraph shall apply in relation to the acquisition.

- (2) The local authority may make and submit to the Minister an order in such form as may be prescribed, declaring the house to be in the state referred to in sub-paragraph (1) of this paragraph ; and if—
- (a) that order is confirmed by the Minister, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
 - (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section nineteen of the Town and Country Planning Act, 1947, or the provisions of that section as applied by or under any other enactment, or in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946, or under Part IV of the Town and Country Planning Act, 1959, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Minister,
- the provisions of subsections (2) and (3) of section fifty-nine of the Act of 1957, and the provisions of sections sixty and sixty-one of that Act, and the Second Schedule thereto (which relate to certain payments in respect of houses purchased or demolished under that Act) shall apply as if the house had been purchased under section fifty-seven of that Act as being in the state referred to in sub-paragraph (1) of this paragraph, and as if any reference in those sections or in that Schedule to the local authority were a reference to the acquiring authority.
- (3) Before submitting to the Minister an order under this paragraph 'the local authority by whom it was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on every mortgagee, of the land or any part thereof, a notice in such form as may be prescribed, stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.
- (4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all the objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order ; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.
- (5) Section four of the Act of 1957 (which specifies matters to be taken into account in determining whether a house is unfit) and sections one hundred and fifty-nine and one hundred and sixty of that Act (which relate to entry on land for the purposes of that Act) shall apply for the purposes of this paragraph as they apply for the purposes of that Act.
- (6) In this paragraph—
- " appropriate local authority " means a local authority who, in relation to the area in which the land in question is situate, are a local authority for the purposes of the provisions of Part III of the Act of 1957 relating to clearance areas ;

Status: This is the original version (as it was originally enacted).

" owner ", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the (fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term Whereof exceeds three years ; and

" prescribed " means prescribed by regulations made under section one hundred and seventy-eight of the Act of 1957.

- 3 (1) Where in relation to a compulsory acquisition any of the provisions of the Act of 1957 as to site value apply (whether by virtue of that Act or of an order under paragraph 2 of this Schedule) and—

- (a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as " the relevant house ") and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and
- (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death,

the following provisions of this paragraph shall apply in relation to the acquisition; and in those provisions " the dwelling " means so much of the relevant house as the said person occupied as aforesaid.

- (2) The amount of the compensation payable in respect of the acquisition of the relevant interest shall not in any event be less than the gross value of the dwelling ; but for the purposes of this sub-paragraph the amount of the compensation so payable shall be deemed to include—

- (a) the amount (if any) of any payment under section thirty or section sixty of the Act of 1957, in so far as it falls to be made to the person entitled to the relevant interest and is attributable to the relevant house ; and
- (b) the amount (if any) of any payment which falls to be made in respect of the relevant interest under Part II of the Second Schedule to the Act of 1957.

- (3) For the purposes of this paragraph the gross value of the dwelling shall be determined as follows:—

- (a) if the dwelling constitutes the whole of the relevant house, the gross value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation list then in force as the gross value of that house for rating purposes ;
- (b) if the dwelling is only part of the relevant house, an apportionment shall be made by the valuation officer of the gross value of the relevant house as determined under paragraph (a) of this sub-paragraph, and the gross value of the dwelling shall be taken to be the amount certified by him as being the amount which, on such an apportionment, is properly attributable to the dwelling.

- (4) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

Status: This is the original version (as it was originally enacted).

- (5) In this paragraph " the valuation officer " has the same meaning as in Part III of the Local Government Act, 1948.
- 4 (1) Where, in the case of any compulsory acquisition,—
- (a) any of the provisions of the Act of 1957 as to site value apply (whether by virtue of that Act or of an order under paragraph 2 of this Schedule); and
 - (b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,
- there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with sub-paragraph (2) of this paragraph.
- (2) The said amount shall be an amount equal to the value, as at the date of service of the notice to treat, of the prospective right to receive such payment (if any) under the War Damage Act, 1943, in respect of that hereditament, or part of a hereditament, as might reasonably have been expected to become payable if the relevant land had not been compulsorily acquired.
- 5 (1) Where a local authority have before the commencement of this Act made and submitted to the Minister an order under paragraph 2 of the Second Schedule to the Town and Country Planning Act, 1959 (which contains provisions similar to those of paragraph 2 of this Schedule), but the Minister 'has not confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 2 of this Schedule shall apply in relation to that order as if—
- (a) the order had been made under paragraph 2 of this Schedule, and
 - (b) the reference in sub-paragraph (4) of paragraph 2 of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (3) of paragraph 2 of the Second Schedule to the said Act of 1959.
- (2) Any reference in paragraph 1, 3 or 4 of this Schedule to an order under paragraph 2 thereof shall be construed as including a reference to an order—
- (a) made and confirmed under paragraph 2 of the Second Schedule to the said Act of 1959, or
 - (b) made under the said paragraph 2 and confirmed under the provisions of paragraph 2 of this Schedule applied by sub-paragraph (1) of this paragraph.
- 6 (1) In this Schedule—
- " house " has the meaning assigned to it by section one hundred and eighty-nine of the Act of 1957; and
 - " the Act of 1957 " means the Housing Act, 1957.
- (2) Any reference in this Schedule to the provisions of the Act of 1957 as to site value is a reference to the following provisions of that Act, that is to say.—
- (a) subsection (4) of section twelve (which relates to the purchase of houses found on appeal not to be capable of repair at a reasonable expense);
 - (b) subsection (2) of section twenty-nine (which relates to the purchase of condemned houses); and
 - (c) subsections (2) and (3) of section fifty-nine (which relate respectively to the purchase of land comprised in a clearance area and to the purchase, in connection with re-development plans, of houses as being unfit for human habitation).

Status: This is the original version (as it was originally enacted).

THIRD SCHEDULE

Section 27.

APPLICATION OF PART IV TO CERTAIN CASES

Disturbance, severance and injurious affection

- 1 Subject to paragraph 2 of this Schedule, any reference in section twenty-three of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.
- 2 If the person entitled to the compensation under the said section twenty-three—
- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in land held with the land acquired or purchased ; but
 - (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;
- any reference in the said section twenty-three to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

- 3 In determining for the purposes of the said section twenty-three the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—
- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section seven of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land ; but
 - (b) at the time of the planning decision the person entitled to the compensation under the said section twenty-three is not entitled to the said interest or is entitled thereto only as respects part of the contiguous or adjacent land,
- the amount specified in the said subsection (2) and the principal amount or purchase price mentioned in the said subsection (1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed, or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part thereof.

Mortgaged land

- 4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within subsection (1) of section twenty-three of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference (however expressed) in section twenty-three or section twenty-four of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the mortgage, was entitled to that interest, and not as a reference to the mortgagee.
- 5 For the purposes of the application of section twenty-three of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition

Status: This is the original version (as it was originally enacted).

shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a mortgage.

- 6 No compensation shall be payable by virtue of section twenty-three of this Act in respect of a compulsory acquisition or sale by agreement, where the interest acquired or sold was the interest of a mortgagee (as distinct from an interest subject to a mortgage).

Settled land

- 7 (1) Where, in a case falling within subsection (1) of section twenty-three of this Act, the interest in land which was acquired or sold was subject to a settlement, and accordingly the compensation or purchase price was payable to the trustees of that settlement, any reference (however expressed) in section twenty-three or section twenty-four of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the settlement.
- (2) Where sub-paragraph (1) of this paragraph applies, subsection (4) of section twenty-three of this Act shall not apply.
- (3) Any compensation paid to the trustees of the settlement by virtue of section twenty-three of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.
- (4) In this paragraph "settlement" means a settlement within the meaning of the Settled Land Act, 1925, or a trust for sale within the meaning of the Law of Property Act, 1925.

Interpretation

- 8 References in this Schedule to sections twenty-three and twenty-four of this Act include references to those sections as applied by section twenty-five or twenty-six of this Act, and references to the time of any planning decision shall be construed accordingly. Section 40.

FOURTH SCHEDULE

Section 40.

ENACTMENTS AMENDED

The Town and Country Planning Act, 1944, and that Act as applied by the New Towns Act, 1946

- 1 In subsection (2) of section eighteen, and subsection (2) of section twenty-four, for the words " The Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " The Land Compensation Act, 1961 ".
- 2 In the Fourth Schedule, in the proviso to paragraph 1, for the words " section two of the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " section five of the Land Compensation Act, 1961 ".

Status: This is the original version (as it was originally enacted).

- 3 In the Fifth Schedule, in the heading, for the words " Acquisition of Land (Assessment of Compensation) Act, 1919 " there shall be substituted the words " Land Compensation Act, 1961 ".
- 4 In the Fifth Schedule, for the heading of Part II there shall be substituted the heading " The Land Compensation Act, 1961 " and for the word " arbitrator ", in both places where it occurs in paragraph 8, there shall be substituted the words " Lands Tribunal ".
- 5 In the Fifth Schedule, in paragraph 10, for the words " subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919", there shall be substituted the words " section thirty-one of the Land Compensation Act, 1961 ".

*The Acquisition of Land (Authorisation Procedure) Act,
1946 and that Act as applied by any other enactment*

- 6 In subsection (3) of section one, for the words " the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " the Land Compensation Act, 1961 ".
- 7 In the Second Schedule, for the heading of Part III there shall be substituted the heading " Land Compensation Act, 1961 " and for the word " arbitrator", in both places where it occurs in paragraph 8, there shall be substituted the words " Lands Tribunal ".

The Lands Tribunal Act, 1949

- 8 In subsection (6) of section one, for the words " an authority to whom the Acquisition of Land Act applies " there shall be substituted the words " any person ".

The Housing Act, 1957

- 9 In subsection (1) of section fifty-nine, and subsection (3) of section sixty-four, for the words " the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " the Land Compensation Act, 1961 ".
- 10 In subsection (4) of section seventy-four, for the words from " the Acquisition of Land (Assessment of Compensation) Act, 1919 " to "the said section two" there shall be substituted the words " Part I of the Land Compensation Act, 1961, and rule (1) of the rules set out in section five of that Act; and that rule ".

FIFTH SCHEDULE

Section 40.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act. 1919.	The whole Act.
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	Subsection (5) of section forty-five.

Status: This is the original version (as it was originally enacted).

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 22.	The Camps Act, 1939.	Subsection (5) of section two.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	In the Fifth Schedule as applied by the New Towns Act, 1946, paragraph 9.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Subsection (7) of section four. In the Fourth Schedule, the entry relating to paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	Sections fifty, fifty-four, fifty-six, and fifty-seven. Subsection (2) of section one hundred and eighteen. The Seventh Schedule.
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act, 1949.	In section one, in paragraph (b) of subsection (3), the words from " and is " to the end of the paragraph; in subsection (4), the words from " including the power " to the end of the subsection; and subsection (7). Subsection (7) of section three. Section five. In section seven, in subsection (1), the words "and is not contained in the Acquisition of Land Act" The First Schedule.
12, 13 and 14 Geo. 6. c. 84.	The War Damaged Sites Act, 1949.	In subsection (1) of section eight, the words "in a case to which the Acquisition of Land (Assessment of Compensation) Act, 1919, applies," paragraph (b), and the word " and " preceding that paragraph.
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act. 1949.	Subsection (3) of section one hundred and three.

Status: This is the original version (as it was originally enacted).

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. c. 16.	The Town and Country Planning Act, 1953.	Subsection (1) of section three.
2 & 3 Eliz. 2. c. 72.	The Town and Country Planning Act, 1954.	Subsection (7) of section seventy-one.
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957.	In the Third Schedule, in paragraph 7, paragraph (b) of sub-paragraph (1); and in paragraph 8, the words in sub-paragraph (1) "and the Acquisition of Land (Assessment of Compensation) Act, 1919 " and sub-paragraph (2). In the Tenth Schedule, paragraph 2 of the entry relating to the Town and Country Planning Act, 1944.
7 & 8 Eliz. 2. c. 25.	The Highways Act, 1959	Subsection (8) of section two hundred and twenty-two.
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act, 1959.	Part I except sections fourteen to sixteen. In section thirty-one, in subsection (4), paragraph (f). The First, Second and Third Schedules. In the Seventh Schedule, the entry relating to section fifty-four of the Town and Country Planning Act, 1947.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Development and Road Improvement Funds Act, 1909	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.

Status: This is the original version (as it was originally enacted).

Short Title	Session and Chapter
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Town Development Act, 1952	15 & 16 Geo. 6. & 1 Eliz.2. c. 54.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Town and Country Planning Act, 1954	2 & 3 Eliz. 2. c. 72.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.