



Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

PART I

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

4 Costs.

[^{F1}(A1) In any proceedings on a question referred to the Upper Tribunal under section 1 of this Act—

- (a) the following subsections apply in addition to section 29 of the Tribunals, Courts and Enforcement Act 2007 (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and
- (b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.]

(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 [^{F2}Upper Tribunal] to that claimant does not exceed the sum offered; or
- (b) the [^{F2}Upper 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 [^{F2}Upper 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 [^{F2}Upper 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.

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- (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 [^{F3}Upper Tribunal] is equal to or exceeds that sum, the [^{F3}Upper 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 [^{F4}Upper Tribunal] may in any case disallow the cost of counsel.
- (5) Where the [^{F5}Upper 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.
- ^{F6}(6)

Textual Amendments

- F1** S. 4(A1) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 39(a)** (with Sch. 5)
- F2** Words in s. 4(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 39(b)** (with Sch. 5)
- F3** Words in s. 4(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 39(b)** (with Sch. 5)
- F4** Words in s. 4(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 39(b)** (with Sch. 5)
- F5** Words in s. 4(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 39(b)** (with Sch. 5)
- F6** S. 4(6) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 39(c)** (with Sch. 5)

Modifications etc. (not altering text)

- C1** S. 4 applied (with modifications) by Acts listed in [Chronological Table of the Statutes](#), [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **s. 167(9)**, [National Heritage Act 1983 \(c. 47, SIF 3, 78\)](#), **s. 36(10)** and [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), **ss. 7(13)**, 8(11); applied by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), **ss. 10(1)**, 112(3), Sch. 4 paras. 7(4), 11(3), **Sch. 17 para. 35(1)**; applied (with modifications) by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 153(1)**, 155, Sch. 19 paras. 6(4)(7), 11, **Sch. 20 para. 8(6)**, (with **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C2** S. 4 applied (with modifications) (1.12.1991) by the [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 167**, 180, 223(2), Sch. 11 para. 8(6), **Sch. 12 para. 3(1)** (with **ss. 82(3)**, 186(1), 222(1), Sch. 14 para. 6)
- S. 4 applied (with modifications) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss. 61 (5)**, 62(5), 168(3), 177, 225(2), Sch. 7 para. 5, Sch. 19 para. 8(6), Sch. 21 para. 3(1) (with **ss. 16(6)**, 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
- S. 4 applied (with modifications) (30.10.1994) by [S.I. 1994/2716](#), **art. 92(4)**
- S. 4 applied (with modifications) (30.10.1994) by [S.I. 1994/2716](#), **reg. 96(3)**
- S. 4 applied (1.6.1997) by [S.I. 1997/1160](#), **reg. 14(6)**
- S. 4 applied (with modifications) (1.10.1998) by [1975 c. 70](#), **Sch. 4 Pt. IV**, para. 15(4) (as inserted by [1998 c.38](#), **s. 127**, **Sch. 13 para. 3** (with **ss. 139(2)**, 143(2)); [S.I. 1998/2244](#), **art. 4**)
- S. 4 applied (with modifications) (1.4.1999) by [S.I. 1999/481](#), **reg. 8(4)**
- S. 4 applied (with modifications) (29.4.1999) by [S.I. 1999/1006](#), **reg. 7**, **Sch. para. 6**
- S. 4 applied (with modifications) (26.3.2001) by [2000 c. 26](#), **s. 95**, **Sch. 6 para. 5(2)**; [S.I. 2000/2957](#), **art. 2(3)**, **Sch. 3**
- S. 4 applied (with modifications) (1.4.2000) by [S.I. 2000/227](#), **reg. 6**, **Sch. 2 para. 6(4)**

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- S. 4 applied (with modifications) (W.) (1.7.2001) by S.I. 2001/2197, reg. 6, **Sch. 2 para. 6(4)**
S. 2 applied (22.3.2001) by 2001 c. ii, **s. 7(3)**
- C3** S. 4 applied (with modifications) (W.) (10.12.2006) by The Contaminated Land (Wales) Regulations 2006 (S.I. 2006/2989), reg. 1(1), **Sch. 2 para. 6(4)**
- C4** S. 4 applied (with modifications) (26.11.2008 for specified purposes, 1.3.2010 in so far as not already in force) by Planning Act 2008 (c. 29), **ss. 165(6)**, 241(1), 241(8) (with s. 226); S.I. 2010/101, art. 3(j) (with art. 6)
- C5** S. 4 applied (with modifications) (E.) (1.3.2009) by Environmental Damage (Prevention and Remediation) Regulations 2009 (S.I. 2009/153), reg. 1(1), **Sch. 6 para. 7(2)**
- C6** S. 4 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **28(8)(b)** (with reg. 125)
- C7** S. 4 modified (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **32(3)** (with reg. 125)
- C8** S. 4 applied (with modifications) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 5 para. 7** (with reg. 1(2), Sch. 4)
- C9** S. 4 applied (with modifications) (1.10.2011) by The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (S.I. 2011/2055), regs. 1, **61(5)**
- C10** S. 4 applied (with modifications) (E.) (6.4.2012) by The Town and Country Planning (Tree Preservation)(England) Regulations 2012 (S.I. 2012/605), regs. 1(1), **24(9)** (with reg. 24(10))
- C11** S. 4 modified by S.I. 2006/1380, Sch. 2 para. 6(4) (as substituted (6.4.2012) by The Contaminated Land (England) (Amendment) Regulations 2012 (S.I. 2012/263), regs. 1, **2(4)**)
- C12** S. 4 applied (with modifications) by S.I. 2006/2989, Sch 2 para. 6(4) (as substituted (W.) (6.4.2012) by The Contaminated Land (Wales) (Amendment) Regulations 2012 (No. 283), regs. 1(1), **2(4)(c)**)
- C13** S. 4 applied (with modifications) (E.) (19.7.2015) by The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (S.I. 2015/810), reg. 1(1), **Sch. 6 para. 7(2)** (with regs. 4-8)
- C14** S. 4 applied (with modifications) (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 176(3)**, 216(3); S.I. 2016/733, reg. 3(h)
- C15** S. 4 applied (with modifications) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 5 para. 7(4)** (with regs. 1(3), 77-79, Sch. 4)
- C16** S. 4 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **30(8)(b)**
- C17** S. 4 modified (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **34(3)**
- C18** S. 4 applied (with modifications) (1.1.2018) by The Water Abstraction (Transitional Provisions) Regulations 2017 (S.I. 2017/1047), regs. 1, **11(2)** (with reg. 8)
- C19** S. 4(1)(a) applied (with modifications) by 1985 c. 68, s. 584B(6) (as substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 31**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.))
- C20** S. 4(4)-(6) applied (with modifications) by 1985 c. 68, s. 584B(6) (as substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 31**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.))

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Changes and effects yet to be applied to :

- s. 4 applied (with modifications) by [2023 asc 3 s. 203\(2\)](#)
- s. 4 applied (with modifications) by [2023 c. 55 s. 216\(4\)](#)
- s. 4 applied by 2008 c. 29, s. 204T (as inserted) by [2023 c. 55 Sch. 12 para. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 142\(5\)](#)
- Act applied by [S.I. 2024/360 art. 38\(3\)](#)
- Act applied by [S.I. 2024/393 art. 30\(3\)](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/526 Sch. 10 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/564 Sch. 8 para. 12](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(a\)](#)
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2A)(2B) substituted for s. 14(3)(4) by [2023 c. 55 s. 189\(2\)\(b\)](#)
- s. 14A inserted by [2023 c. 55 s. 190\(2\)\(a\)](#)
- s. 17(1A)-(1C) inserted by [2023 c. 55 s. 189\(3\)\(b\)](#)
- s. 17(3)(ba) substituted for s. 17(3)(a)(b) by [2023 c. 55 s. 189\(3\)\(c\)](#)
- s. 17(5A)-(5C) substituted for s. 17(5)-(8) by [2023 c. 55 s. 189\(3\)\(d\)](#)
- s. 18(2)(b)(iia) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(ii\)](#)
- s. 18(2)(aa) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(i\)](#)
- s. 18(2A)(2B) inserted by [2023 c. 55 s. 189\(4\)\(b\)](#)
- s. 22(2A) inserted by [2023 c. 55 s. 189\(7\)](#)
- s. 32(3) inserted by [2023 c. 55 s. 190\(2\)\(b\)](#)

– Sch. 2A inserted by [2023 c. 55 s. 190\(2\)\(c\)](#)