



# Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

## PART II

### PROVISIONS DETERMINING AMOUNT OF COMPENSATION

#### *General provisions*

#### **[<sup>F1</sup>6E Further provisions in relation to relevant transport projects**

- (1) This section has effect for the purposes of section 6D(3).
- (2) The scheme referred to in that section includes the relevant transport project only if—
  - (a) [<sup>F2</sup>the development of land in the vicinity of land comprised in the relevant transport project] was part of the published justification for the relevant transport project,
  - (b) the works comprised in the relevant transport project are first opened for use after the period of 5 years beginning with 22nd September 2017,
  - (c) the instrument authorising the compulsory acquisition of the land which is acquired <sup>F3</sup>... was made or prepared in draft on or after 22nd September 2017,
  - (d) the compulsory acquisition of that land is authorised before the end of the period of 5 years beginning with the day on which the works comprised in the relevant transport project are first opened for use, and
  - (e) that land is in the vicinity of land comprised in the relevant transport project.
- (3) In assessing compensation payable to a person in respect of the compulsory acquisition of that land, the scheme is to be treated as if it did not include the relevant transport project if the person acquired the land—
  - (a) after plans for the relevant transport project were announced, but
  - (b) before [<sup>F4</sup>the relevant date].

<sup>F5</sup>(3A) [ The “relevant date” is—

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*Changes to legislation:* There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (a) 8 September 2016, in a case where the land is acquired for regeneration or redevelopment and regeneration or redevelopment was part of the published justification for the relevant transport project;
  - (b) in any other case, the first day after the period of three months beginning with the day on which section 188 of the Levelling-up and Regeneration Bill comes into force.]
- (4) Subsections (5) and (6) set out how subsection (2)(b) should be applied if a claim for compensation is made by a person (the “claimant”)—
- (a) during the period of 5 years mentioned in that subsection, and
  - (b) before the works are first opened for use.
- (5) Compensation is to be assessed on the basis that the works will first be opened for use after the period of 5 years unless the acquiring authority confirms that, in the authority's opinion, the works will first be opened during that period (in which case compensation is to be assessed on the basis that the works will first be opened for use during that period).
- (6) If the basis on which compensation was assessed proves to be incorrect—
- (a) the claimant's entitlement to any compensation which the claimant has already been awarded is not affected,
  - (b) the acquiring authority must give the claimant a notice informing the claimant that the basis on which the compensation was assessed was incorrect,
  - (c) the claimant may make a further claim for compensation in respect of the compulsory acquisition, and
  - (d) for the purposes of the Limitation Act 1980, the further claim for compensation accrues on the day the claimant receives the notice.]

#### Textual Amendments

- F1** Ss. 6A-6E substituted for ss. 6-9 (22.9.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 32\(3\), 46\(1\)](#); [S.I. 2017/936](#), [reg. 3\(b\)](#) (with [reg. 4](#) and [regs. 6, 7](#) which amend the new s. 6E(2)(b)(c))
- F2** Words in s. 6E(2)(a) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 188\(2\)\(a\), 255\(7\)](#) (with s. 247); [S.I. 2024/92](#), [reg. 2\(o\)](#)
- F3** Words in s. 6E(2)(c) omitted (31.1.2024) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 188\(2\)\(b\), 255\(7\)](#) (with s. 247); [S.I. 2024/92](#), [reg. 2\(o\)](#)
- F4** Words in s. 6E(3) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 188\(2\)\(c\), 255\(7\)](#) (with s. 247); [S.I. 2024/92](#), [reg. 2\(o\)](#)
- F5** [S. 6E\(3A\)](#) inserted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 188\(2\)\(d\), 255\(7\)](#) (with s. 247); [S.I. 2024/92](#), [reg. 2\(o\)](#)

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### 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\(2\)\(c\)](#)