

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 15

AMENDMENTS RELATING TO LAND COMPENSATION

Commencement Information

- II** Sch. 15 wholly in force: Sch. 15 except para. 32 in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3; para. 32 in force at 2.1.1992 by S.I. 1991/2728, art. 2

PART I

MISCELLANEOUS AMENDMENTS

Commencement Information

- II** Sch. 15 Pt. I wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Rules for assessment of compensation

- 1 In section 5 of the ^{M1}Land Compensation Act 1961 (rules for assessing compensation), in rule (3) (disregard of special suitability of land for any purpose where, in particular, there is no market for that purpose apart from the special needs of a particular purchaser or the requirements of an authority possessing compulsory purchase powers) “the special needs of a particular purchaser or” is omitted.

Modifications etc. (not altering text)

- C1** Sch. 15 para. 1 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4.

Commencement Information

- I2** Sch. 15 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

- M1** 1961 c. 33.

Expenses in acquiring replacement land

- 2 After section 10 of the ^{M2}Land Compensation Act 1961 there is inserted—

“10A Expenses of owners not in occupation.

Where, in consequence of any compulsory acquisition of land—

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- (a) the acquiring authority acquire an interest of a person who is not then in occupation of the land; and
- (b) that person incurs incidental charges or expenses in acquiring, within the period of one year beginning with the date of entry, an interest in other land in the United Kingdom,
- the charges or expenses shall be taken into account in assessing his compensation as they would be taken into account if he were in occupation of the land.”

Modifications etc. (not altering text)

C2 Sch. 15 para. 2 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.I para. 4

Commencement Information

I3 Sch. 15 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

M2 1961 c. 33.

Compensation otherwise than in the form of money

- 3 In section 3 of the ^{M3}Compulsory Purchase Act 1965 (acquisition by agreement for a consideration in money) after “money” there is inserted “ or money’s worth ”.

Commencement Information

I4 Sch. 15 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

M3 1965 c. 56.

Tenants at will, etc: part acquisitions

- 4 In section 20(2) of the Compulsory Purchase Act 1965 (tenant at will, etc., entitled to compensation for damage done to him in his tenancy), for “in his tenancy by severing the” there is substituted “ by severing ”.

Modifications etc. (not altering text)

C3 Sch. 15 para. 4 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4

Commencement Information

I5 Sch. 15 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Caravans etc. affected by noise of public works

- 5 (1) After section 20 of the ^{M4}Land Compensation Act 1973 there is inserted—

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“20A Power to make payments in respect of caravans and other structures affected by noise of public works.

- (1) The Secretary of State may make regulations empowering responsible authorities to make a payment, not exceeding an amount specified in the regulations, in respect of any dwelling which—
 - (a) is not a building;
 - (b) is occupied by a person as his only or main residence; and
 - (c) is affected or likely to be affected by noise caused by the construction or use of public works.
 - (2) Regulations under this section may—
 - (a) make provision as to the level of noise giving rise to a power under the regulations and the area in which a dwelling must be situated if a power is to arise in respect of it;
 - (b) specify the classes of public works and of dwellings in respect of which a power is to arise, and the classes of persons entitled to make claims, under the regulations; and
 - (c) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed.
 - (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4) Subsections (3), (7) and (12) of section 20 above apply for the purposes of this section as they apply for the purposes of that.”
- (2) This paragraph does not apply in relation to any public works if the relevant date for the purposes of Part I of the ^{M5}Land Compensation Act 1973 fell more than twelve months before the date on which this paragraph comes into force.

Commencement Information

I6 Sch. 15 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

M4 1973 c. 26.

M5 1973 c. 26.

Farm loss payments

- 6 (1) Section 34 of the Land Compensation Act 1973 (right to farm loss payment where person displaced from agricultural unit) is amended as follows.
- (2) For subsection (1)(a) (section applies only if whole of land is acquired) there is substituted—
- “(a) in consequence of the compulsory acquisition of his interest in the whole, or a sufficient part, of that land, he is displaced from the land acquired”.

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- (3) In subsection (2) (interests qualifying for compensation) for the words following “tenancy” there is substituted “ where his interest is as tenant for a year or from year to year or a greater interest, and “sufficient part” means not less than 0.5 hectares or such other area as the Secretary of State may by order specify ”.
- (4) After that subsection there is inserted—
- “(2A) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) At the end of subsection (3)(a) (meaning of displacement) there is added “ or on any date after the making or confirmation of the compulsory purchase order but before being required to do so by the acquiring authority ”.
- (6) Subsection (6) is omitted.

Modifications etc. (not altering text)

C4 Sch. 15 para. 6 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4

Commencement Information

I7 Sch. 15 para.6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Notice to quit agricultural holding: right to opt for notice of entry compensation

- 7 At the end of section 59(7) of the Land Compensation Act 1973 (which does not apply where land was Crown land at time of agreement to acquire it) there is inserted “ and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord’s interest were not an interest in Crown land (as defined by section 293 of the ^{M6}Town and Country Planning Act 1990). ”

Modifications etc. (not altering text)

C5 Sch. 15 para. 7 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4

Commencement Information

I8 Sch. 15 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

M6 1990 c. 8.

Service of documents

- 8 In section 6(4) of the ^{M7}Acquisition of Land Act 1981 (service of documents where not practicable to ascertain name or address of owner, etc.), for the words from “premises or” to the end there is substituted “ land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land ”.

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I9 Sch. 15 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

M7 1981 c. 67.

Meaning of “owner”

- 9 In section 7 of the Acquisition of Land Act 1981 (interpretation) at the end of the definition of “owner” there is inserted “ and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative ”.

Modifications etc. (not altering text)

C6 Sch. 15 para. 9 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.I para. 4

Commencement Information

I10 Sch. 15 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Local authority and statutory undertakers’ land

- 10 (1) At the end of section 16(1) of, and paragraph 3(1) of Schedule 3 to, the^{M8} Acquisition of Land Act 1981 (statutory undertakers’ land excluded from compulsory purchase if objection made and no certificate given) there is added “ and the representation is not withdrawn. ”
- (2) For section 31(2) and (3) of that Act (acquisition under certain enactments without a certificate) there is substituted—
- “(2) Section 16(2) of, and paragraph 3(2) of Schedule 3 to, this Act shall not apply to an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it.”

Modifications etc. (not altering text)

C7 Sch. 15 para. 10 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.I para. 4

Commencement Information

I11 Sch. 15 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Marginal Citations

M8 1981 c. 67.

- 11 In section 17(3) of, and paragraph 4(3) of Schedule 3 to, that Act (certain compulsory acquisitions to be subject to special parliamentary procedure, unless acquirer is local authority, etc.), before “the Land Authority for Wales” there is inserted “ an urban development corporation ”.

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Modifications etc. (not altering text)

C8 Sch. 15 para. 11 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4

Commencement Information

I12 Sch. 15 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Commons, open spaces, etc.

- 12 (1) In section 19 of the Acquisition of Land Act 1981 (compulsory acquisition of commons, etc., to be subject to special parliamentary procedure, with exceptions)—
- (a) at the end of subsection (1)(a) there is inserted—
 - “(aa) that the land is being purchased in order to secure its preservation or improve its management”, and
 - (b) in subsection (2) after “shall” there is inserted “ direct the acquiring authority to ”,
 - (c) after that subsection there is inserted—
 - “(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.”, and
 - (d) at the end of subsection (3) there is added “ except where the Secretary of State has given a certificate under subsection (1)(aa) above. ”
- (2) In paragraph 6 of Schedule 3 to that Act—
- (a) after sub-paragraph (1)(a) there is inserted—
 - “(aa) that the right is being acquired in order to secure the preservation or improve the management of the land”, and
 - (b) in sub-paragraph (3) after “shall” there is inserted “ direct the acquiring authority to ”,
 - (c) after that sub-paragraph there is inserted—
 - “(3A) Notice under sub-paragraph (3) above shall be given in such form and manner as the Secretary of State may direct.”, and
 - (d) in sub-paragraph (4), after “mentioned, and” there is inserted “ except where the Secretary of State has given his certificate under sub-paragraph (1)(aa) above. ”

Modifications etc. (not altering text)

C9 Sch. 15 para. 12 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.I para. 4

Commencement Information

I13 Sch. 15 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Blighted land

- 13 In sections 150(1)(b), 161(2)(c) and 162(1)(b) of the principal Act (notices requiring purchase of blighted land: need to show reasonable endeavours to sell interest) after “interest” there is inserted “ or the land falls within paragraph 21 or

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paragraph 22 (disregarding the notes) of Schedule 13 and the powers of compulsory acquisition remain exercisable”.

Commencement Information

I14 Sch. 15 para. 13 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

14 (1) In Schedule 13 to that Act (blighted land) for paragraph 16 there is substituted—

“16 Land comprised in the site of a highway as proposed to be constructed, improved or altered by the Secretary of State if he has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the local planning authority.”

(2) In paragraph 18 of that Schedule for “trunk road or special road” there is substituted “highway”.

Commencement Information

I15 Sch. 15 para. 14 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

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