



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART VIII

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

##### *Supplementary provisions*

#### **178 General provisions as to compensation for depreciation under Part VIII**

- (1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) This section applies to any compensation which, under the preceding provisions of this Part of this Act other than section 174, 175 or 177 is payable in respect of depreciation of the value of an interest in land.
- (3) Where an interest in land is subject to a mortgage—
  - (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage;
  - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
  - (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
  - (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## **179 Determination of claims for compensation**

- (1) Except in so far as may be otherwise provided by any tree preservation order or by any regulations made under this Act, any question of disputed compensation under this Part of this Act shall be referred to and determined by the Lands Tribunal.
- (2) In relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications and to the provisions of any regulations made under this Act.