



Land Compensation Act 1973

1973 CHAPTER 26

PART IV

COMPULSORY PURCHASE

Assessment of compensation

44 Compensation for injurious affection.

- (1) Where land is acquired or taken from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land acquired or taken from him.
- (2) In this section “compensation for injurious affection” means compensation for injurious affection under section 63 or 121 of the ^{M1}Lands Clauses Consolidation Act 1845 or section 7 or 20 of the ^{M2}Compulsory Purchase Act 1965, and subsection (1) above shall apply with the necessary modifications to such compensation under the said section 7 as substituted by [^{F1}paragraph 6 of Schedule 19 to the ^{M3}Highways Act 1980], [^{F2}paragraph 7 of Schedule 3 to the Gas Act 1986][^{F3}paragraph 3 of [^{F4}Schedule 9 to the Water Industry Act 1991 or of Schedule 18 to the Water Resources Act 1991]] (compulsory acquisition of rights over land) or any corresponding enactment, including (except where otherwise provided) an enactment passed after this Act.

^{F5}(3)

Textual Amendments

- F1** Words substituted by [Highways Act 1980](#) (c. 66), [Sch. 24 para. 13\(b\)](#)
- F2** Words substituted by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(1), [Sch. 7 para. 14\(1\)](#)
- F3** Words inserted by [Water Act 1989](#) (c. 15, SIF 130), s. 190, [Sch. 25 para. 44\(1\)](#) (with ss. 58(7), 101(1), 141(6), 153(1), 155, 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1973. 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](#)

- F4** Words in s. 44(2) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para.23**
- F5** S. 44(3) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

Modifications etc. (not altering text)

- C1** S. 44 applied (with modifications) (2.12.2020) by The Network Rail (London to Corby) (Land Acquisition) Order 2020 (S.I. 2020/1259), arts. 1(1), 7(4), **Sch. 4 para. 3**
- C2** S. 44(1) modified (18.6.1992) by Compulsory Purchase Act 1965 (c. 56), as applied (with modifications) by British Railways (No. 2) Act 1992 (c. xi), s. 27, **Sch. 3 para.1**.
S. 44(1) modified (10.11.1993) by 1965 c. 56, s. 7(2) (as modified by 1993 c. 28, s. 169, **Sch. 20 para.21**; S.I. 1993/2762, **art.3**).
S. 44(1) modified (27.8.1998) by S.I. 1998/1936, art. 29(3), **Sch. 7 para. 2(1)(2)** (with art. 45)
S. 44(1) modified (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1965 c. 56, s. 7(2) (as modified by 1998 c. 45, s. 20, **Sch. 5 Pt. II para. 4**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(2)(c)**)
S. 44 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 7(2), **Sch. 2 para. 9**
S. 44 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 15(3), **Sch. 5 para. 2**
S. 44 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 17(3), **Sch. 7 para. 2**
- C3** S. 44(1) modified (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), art. 1, **Sch. 4 para. 2(2)**
- C4** S. 44(1) applied (with modifications) (8.10.2005) by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), art. 1, **Sch. 7 para. 2(2)**
- C5** S. 44(1) applied (with modifications) (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), art. 1, **Sch. 10 para. 2(2)**
- C6** S. 44(1) modified (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), art. 1, **Sch. 7 para. 2(2)** (with art. 33)
- C7** S. 44(1) applied (with modifications) (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), art. 1, **Sch. 7 paras. 1, 2(2)** (with art. 33)
- C8** S. 44(1) modified (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), art. 1, **Sch. 8 para. 2(2)**
- C9** S. 44(1) modified (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), art. 1, **Sch. 6 para. 3(2)** (with arts. 4, 37)
- C10** S. 44(1) modified (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), art. 1, **Sch. 6 para. 3** (with arts. 3(3), 5)
- C11** S. 44(1) modified (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), art. 1, **Sch. 9 para. 3** (with art. 37)
- C12** S. 44(1) modified (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), art. 1, **Sch. 5 para. 3** (with art. 5)
- C13** S. 44(1) modified (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **Sch. 2 para. 3**

Marginal Citations

- M1** 1845 c. 18.
M2 1965 c. 56.
M3 1980 c. 66.

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

- Act applied (with modifications) by [S.I. 2024/174 Sch. 8 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/230 Sch. 9 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 13](#)
- Act applied (with modifications) by [S.I. 2024/393 Sch. 10 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 13](#)
- Act modified by [S.I. 2020/1297 Sch. 5 para. 3](#) (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. 3](#) (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. 12A(9)(b)(c) substituted for s. 12A(9)(b) by [2002 c. 15 Sch. 8 para. 1\(4\)](#)
- s. 52A(2B) inserted by [2016 c. 22 s. 196\(2\)\(b\)](#)
- s. 52A(2B) words substituted by [2017 c. 20 s. 39](#)