



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART VI

### COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

#### *Claims for, and payment of, compensation*

#### **108 General provisions as to claims for compensation**

- (1) Compensation under this Part of this Act shall not be payable unless a claim for it is duly made in accordance with the provisions of this section.
- (2) A claim for compensation under this Part of this Act shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates:

Provided that the Minister may in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making such a claim.

- (3) Regulations made under this section may—
  - (a) require claims for compensation under this Part of this Act to be made in a form prescribed by the regulations;
  - (b) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interests of other persons therein which are known to the claimant, as may be so prescribed.
- (4) Any claim for such compensation in respect of a planning decision shall be sent to the local planning authority; and it shall be the duty of that authority, as soon as may be after receipt of a claim, to transmit the claim to the Minister, and to furnish the Minister with—
  - (a) any evidence or other information provided by the claimant in accordance with regulations made under this section, and

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- (b) such other information (if any) as may be required by or under regulations made under this section, being information appearing to the Minister to be relevant to the exercise of his powers under the provisions of Part III of this Act relating to the review of planning decisions where compensation is claimed.
- (5) Where a claim is transmitted to the Minister under the last preceding subsection—
- (a) if it appears to the Minister that the development to which the planning decision related was not new development, or that at the time of the planning decision no part of the land to which the claim relates had an unexpended balance of established development value, or that compensation is excluded by section one hundred and one or section one hundred and two of this Act, the Minister shall notify the claimant accordingly, stating on which of those grounds it appears to him that compensation is not payable, and inviting the claimant to withdraw the claim;
  - (b) unless the claim is withdrawn, the Minister shall give notice of the claim to every other person (if any) appearing to him to have an interest in the land to which the planning decision related.

#### **109 Effect on claims of direction under s.25**

- (1) Where, in accordance with subsection (3) of section twenty-six of this Act, the Minister gives notice of a direction under section twenty-five of this Act to a person who has made a claim for compensation in respect of the planning decision to which that direction relates, that person, if he does not withdraw the claim, may, at any time within thirty days after the service on him of the Minister's notice, give notice to the Minister modifying the claim.
- (2) Subject to any modification by virtue of a notice given by a claimant under the preceding subsection, where the Minister gives a direction under section twenty-five of this Act in respect of a decision of a local planning authority, any claim made in respect of that decision shall have effect as if it had been made in respect of the decision which, by virtue of the direction, is substituted for the decision of the authority, or, as the case may be, as if it had been made in respect of the decision of the authority as modified by the direction.

#### **110 Determination of claims**

- (1) Provision shall be made by regulations under this section—
- (a) for requiring claims for compensation under this Part of this Act to be determined by the Minister in such manner as may be prescribed by the regulations;
  - (b) for regulating the practice and procedure to be followed in connection with the determination of such claims ;
  - (c) for requiring the Minister, on determining any such claim, to give notice of his findings to the claimant, and to every other person (if any) who has made a claim for compensation under this Part of this Act in respect of the same planning decision, and, if his findings include an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land appearing to the Minister to be an interest substantially affected by the apportionment.

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- (2) Subject to the next following subsection, provision shall be made by regulations under this section—
- (a) for enabling the claimant or any other person to whom notice of the Minister's findings has been given in accordance with the preceding subsection, if he wishes to dispute the findings, and any other person to whom particulars of an apportionment included in those findings have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require the findings, or, as the case may be, the apportionment, to be referred to the Lands Tribunal;
  - (b) for enabling the claimant and every other person to whom notice of any findings or apportionment has been given as mentioned in the preceding paragraph to be heard by the Tribunal on any reference under this section of those findings or of that apportionment, as the case may be; and
  - (c) for requiring the Tribunal, on any such reference, either to confirm or to vary the Minister's findings or the apportionment, as the case may be, and to notify the parties of the decision of the Tribunal.
- (3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment, and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

## **111 Payment of compensation**

Where compensation is determined under the last preceding section to be payable, the Minister shall pay the compensation to the person entitled thereto in accordance with the preceding provisions of this Part of this Act.