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SCHEDULES

SIXTH SCHEDULE

REDUCTION OR EXTINGUISHMENT OF UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

PART I

GENERAL PROVISIONS

- 1 (1) Where in the case of—
- (a) a compulsory acquisition to which section one of this Act applies, or
 - (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,
- any of the land in which the interest acquired or sold subsisted had an unexpended balance of established development value immediately before the relevant date (in this paragraph referred to as "the relevant balance"), the following provisions of this paragraph shall have effect for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time.
- (2) Unless, immediately after the acquisition or sale, there is outstanding some interest (other than an excepted interest) in that land to which some person other than the acquiring authority is entitled, the original unexpended balance of established development value of that land shall be treated for the purposes of the Act of 1954 as having been extinguished immediately before that subsequent time.
- (3) If, immediately after the acquisition or sale, there is such an outstanding interest (other than an excepted interest) as is mentioned in the last preceding sub-paragraph, there shall be deducted from the said original balance an amount equal to any part of the relevant balance which is not attributable to any such outstanding interest, and the original balance of established development value of that land or that part thereof shall be treated for the purposes of the Act of 1954 as having been reduced or extinguished accordingly immediately before that subsequent time.
- (4) For the purposes of this paragraph any question as to the portion of the relevant balance which is attributable to an interest in land—
- (a) in relation to a compulsory acquisition to which section one of this Act applies, shall be determined in accordance with the provisions of Part II of this Schedule, and
 - (b) in relation to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be determined in accordance with the provisions of Part II of this Schedule as those provisions would apply if the sale had been a compulsory acquisition in pursuance of a notice to treat served on the relevant date.

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- 2 (1) Where, in connection with a compulsory acquisition to which section one of this Act applies, compensation is payable in respect of an interest in land other than the relevant land, for damage sustained by reason that the relevant land is severed from other land held therewith, or that any other land (whether held with the relevant land or not) is injuriously affected, then, for the purpose of determining whether that other land or any part thereof has an unexpended balance of established development value at any subsequent time, there shall be deducted from the original unexpended balance of established development value (if any) of that other land an amount calculated in accordance with the next following sub-paragraph, and the original balance of that land, or of the part thereof in question, as the case may be, shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.
- (2) The amount referred to in the preceding sub-paragraph is the amount (if any) by which the compensation payable as mentioned in that sub-paragraph exceeds the compensation which would have been so payable if the extent of the damage sustained in respect of the other land in question had fallen to be ascertained on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to the Act of 1947, but would not be granted for any other development of that land.
- 3 The last preceding paragraph shall have effect in relation to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies as that paragraph has effect in relation to such an acquisition, but subject to the modification that—
- (a) any reference to the relevant land shall be construed as a reference to the land sold, and
 - (b) any reference to compensation payable in respect of an interest in land shall be construed as a reference to an amount included in the purchase price in respect of that interest.
- 4 In this Schedule " interest in land ", " unexpended balance of established development value " and " original unexpended balance of established development value " have the same meanings as in the Act of 1954; "excepted interest" means the interest of any such person as is mentioned in section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which relates to persons having no greater interest than as tenant for a year or from year to year); and " the relevant date" means the date of service of the notice to treat or the date of the contract in pursuance of which the interest was sold, as the case may be.
- 5 In the application of this Part of this Schedule to Scotland—
- (a) for any reference to the Act of 1954 there shall be substituted a reference to the Scottish Act of 1954 ;
 - (b) for any reference to the Act of 1947 there shall be substituted a reference to the Scottish Act of 1947 ;
 - (c) for any reference to section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section one hundred and fourteen of the Lands Clauses Consolidation (Scotland) Act, 1845; and
 - (d) for any reference to Part II of this Schedule there shall be substituted a reference to Part III of this Schedule.