

1990 No. 465

ACQUISITION OF LAND
TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES

The Town and Country Planning (Blight Provisions)
Order 1990

<i>Made</i>	<i>7th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 192(4)(a) and 287(3) of the Town and Country Planning Act 1971(a) and sections 143 and 147 of the Local Government Finance Act 1988(b) and of all other powers enabling them in that behalf, hereby make the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (Blight Provisions) Order 1990 and shall come into force on 1st April 1990.

(2) In this Order “the Act” means the Town and Country Planning Act 1971.

Amendments to blight provisions in consequence of the Local Government Finance Act 1988

2. In section 192(4)(b) of the Act (interest qualifying for protection) omit “in a case not falling within the preceding paragraph,”.

3. In section 207 of the Act (interpretation)—

(a) for the definition of “annual value” in subsection (1) substitute—

““annual value” means—

- (i) in the case of a hereditament which is shown in a local non-domestic rating list and none of which consists of domestic property or property exempt from local non-domestic rating, the value shown in that list as the rateable value of that hereditament on the date of service;
 - (ii) in the case of a hereditament which is shown in a local non-domestic rating list and which includes domestic property or property exempt from local non-domestic rating, the sum of the value shown in that list as the rateable value of that hereditament on the date of service and the appropriate value;
 - (iii) in the case of any other hereditament, the appropriate value,
- and expressions used in this definition (or in the definition of “appropriate value”) which are also used in Part III of the Local Government Finance Act 1988 have the same meaning as in that Part;”;

(a) 1971 c. 78.
(b) 1988 c. 41.

- (b) for the definition of "hereditament" in subsection (1) substitute—
 "“hereditament” means a relevant hereditament within the meaning of section 64(4)(a) to (c) of the Local Government Finance Act 1988;”;
- (c) after the definition of “annual value” substituted by paragraph (a) add—
 ““appropriate value”, in relation to the annual values mentioned in paragraphs (ii) and (iii) of the definition of “annual value”, means the value attributable to the hereditament (in the case of a hereditament to which paragraph (iii) of that definition applies) or the non-rateable part of the hereditament (in the case of a hereditament to which paragraph (ii) of that definition applies) in accordance with the following provisions of this definition—
- (i) the value attributable in respect of domestic property shall be the value certified by the relevant valuation officer as being 5 per cent of the compensation which would be payable in respect of the value of that property if it were purchased compulsorily under statute with vacant possession and the compensation payable were calculated in accordance with Part I of the Land Compensation Act 1961 by reference to the relevant date;
 - (ii) the value attributable in respect of property exempt from local non-domestic rating shall be the value certified by the relevant valuation officer as being the value which would have been shown as the rateable value of that property on the date of service if it were a relevant non-domestic hereditament consisting entirely of non-domestic property none of which was exempt from local non-domestic rating,
- and in this definition “relevant valuation officer” means the valuation officer who would have determined the rateable value in respect of the hereditament for the purposes of Part III of the Local Government Finance Act 1988 if the hereditament had fulfilled the conditions set out in section 42(1)(b) to (d) of that Act, and the “relevant date” is the date by reference to which that determination would have been made;”;
- (d) for subsection (2) substitute—
 “(2) Land which would comprise separate hereditaments within the definition of “hereditament” in subsection (1) solely by reason of being divided by a boundary between rating areas shall be treated as if it were not so divided for the purpose of that definition.”;
- (e) omit subsections (3) and (4).

Limit of annual value

4. The amount prescribed for the purposes of section 192(4)(a) of the Act is £18,000.

Revocation

5. The Town and Country Planning (Limit of Annual Value) Order 1973(a) is hereby revoked.

Signed by Authority of the Secretary of State for the Environment

6th March 1990

Michael Spicer
 Minister of State, Department of the Environment

Signed by Authority of the Secretary of State for Wales

7th March 1990

Ian Grist
 Parliamentary Under Secretary of State, Welsh Office

(a) S.I. 1973/425.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends sections 192 and 207 of the Town and Country Planning Act 1971 (which relate to planning blight) to take account of the changes to the rating system made by the Local Government Finance Act 1988. The Order also increases from £2,250 to £18,000 the annual value limit which applies for the purposes of the blight provisions in the case of an owner-occupier of a hereditament. The blight provisions enable a person with an interest in certain categories of land (including land affected by certain planning and highway proposals) to require the appropriate authority to purchase that interest.