

**2002 No. 116**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Planning and Compensation Act 1991  
(Amendment of Schedule 18) (England) Order 2002**

*Made* - - - - - *24th January 2002*

*Laid before Parliament* *31st January 2002*

*Coming into force* - - *22nd February 2002*

The Secretary of State, in exercise of the power conferred on her by section 80(4) of the Planning and Compensation Act 1991(a), hereby makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Planning and Compensation Act 1991 (Amendment of Schedule 18) (England) Order 2002 and shall come into force on 22nd February 2002.

(2) This Order extends to England only.

**Additions to provisions relating to interest on compensation**

2. Part I (compensation provisions that do not provide for interest) of Schedule 18 to the Planning and Compensation Act 1991 shall be amended by the insertion, after the entry relating to section 35A(4) of the Environmental Protection Act 1990(b), of the following—

<p>“ Section 78G(5) of that Act</p>	<p>In the case of so much of the compensation as is payable under section 78G—</p> <p>(a) by virtue of paragraph 4(a) or (b) of Schedule 2 (compensation for rights of entry etc.) to the Contaminated Land (England) Regulations 2000, the date of the depreciation;</p> <p>(b) by virtue of paragraph 4(c), (d) or (e) of that Schedule, the date on which the loss is sustained or the damage is done; or where injurious affection is sustained, the date of the injurious affection;</p> <p>(c) by virtue of paragraph 5(6) of that Schedule, the date on which the expenses become payable.”(c)</p>
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(a) 1991 c. 34. The Secretary of State can exercise the power under this section only in relation to England; see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 53 of the Scotland Act 1988 (c. 46).

(b) 1990 c. 43. Section 35A was inserted by the Environment Act 1995 (c. 25), Schedule 22, paragraph 67.

(c) Section 78G of the Environmental Protection Act 1990 was inserted by section 57 of the Environment Act 1995. For the Contaminated Land (England) Regulations 2000 see S.I. 2000/227, to which there are amendments not relevant to this Order.

24th January 2002

*Michael Meacher*  
Minister of State,  
Department for Environment,  
Food and Rural Affairs

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Part I of Schedule 18 to the Planning and Compensation Act 1991 specifies the date from which interest is payable on compensation arising under the statutory provisions mentioned, which do not themselves provide for the payment of interest.

Article 2 of this Order, which extends to England only, amends that Part of that Schedule by adding provisions relating to the payment of compensation under section 78G of the Environmental Protection Act 1990.

Compensation is payable under that section where a person has granted, or joined in granting, rights to enable the person on whom a remediation notice is served to comply with any requirements imposed by the notice. The amount of the compensation is assessed in accordance with the Contaminated Land (England) Regulations 2000.

The rate of interest payable in respect of compensation under section 78G of the Environmental Protection Act 1990 is that prescribed under section 32 (rate of interest after entry on land) of the Land Compensation Act 1961 (c. 33).

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