



Land Compensation Act 1973

1973 CHAPTER 26

PART II

MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

Powers of authorities responsible for other public works

26 Acquisition of land in connection with public works.

- (1) Subject to the provisions of this section, a responsible authority may acquire land by agreement for the purpose of mitigating any adverse effect which the existence or use of any public works has or will have on the surroundings of the works.
- (2) Subject to the provisions of this section, a responsible authority may acquire by agreement—
 - (a) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or alteration of any public works;
 - (b) land the enjoyment of which is seriously affected by the use of any public works,

if the interest of the vendor is [^{F1}a qualifying interest].

^{F2}[(2A) Where the responsible authority—

- (a) propose to carry out works on blighted land for the construction or alteration of any public works, and
- (b) are, in relation to the land, the appropriate authority,

they may, subject to the provisions of this section, acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the public works if the interest of the vendor is a qualifying interest.

(2B) In this section—

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“qualifying interest” has the meaning given in section 149(2) of the ^{M1}Town and Country Planning Act 1990, taking references to the relevant date as references to the date on which the purchase agreement is made, and

“appropriate authority” and “blighted land” have the meanings given respectively in sections 169(1) and 149(1) of that Act.]

- (3) The powers conferred by subsection (2)(b) above shall not be exercisable unless the date on which the public works or, as the case may be, the altered public works, are first used falls on or after 17th October 1971 and the powers conferred by subsections (1) and (2)(a) above shall not be exercisable unless that date falls on or after 17th October 1972; and—
- (a) if that date falls not later than one year after the passing of this Act—
- (i) the powers conferred by subsections (1) and (2)(b) above shall not be exercisable unless the acquisition is begun before the end of one year after the passing of this Act or one year after that date, whichever ends later;
- (ii) the powers conferred by subsection (2)(a) above shall not be exercisable unless the acquisition is begun before the end of one year after the passing of this Act;
- (b) if that date falls more than one year after the passing of this Act—
- (i) the powers mentioned in paragraph (a)(i) above shall not be exercisable unless the acquisition is begun before the end of one year after that date;
- (ii) the powers mentioned in paragraph (a)(ii) above shall not be exercisable unless the acquisition is begun before that date.
- (4) For the purposes of subsection (3) above the acquisition of any land shall be treated as begun when the agreement for its acquisition is made.
- (5) This section applies only where the responsible authority have statutory powers to acquire land (whether compulsorily or by agreement) for the purposes of their functions but would not, apart from this section, have power to acquire land as mentioned in subsections (1) [^{F3}(2) and (2A)] above.
- (6) In this section “public works” and “responsible authority” have the same meaning as in section 1 above except that “public works” does not include a highway ^{F4} or any works forming part of a statutory undertaking as defined in [^{F5}section 336(1) of the Town and Country Planning Act 1990].

Textual Amendments

- F1** Words in s. 26(2) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 21(a)**(with s. 84(5)); S.I. 1991/2067, **art. 3**.
- F2** S. 26(2A)(2B) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. **62(1)**(with s. 84(5)); S.I. 1991/2607,art. 3.
- F3** Words in s. 26(5) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 21(b)**(with s. 84(5)); S.I. 1991/2607, **art. 3**.
- F4** Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**
- F5** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 29(3)**

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Modifications etc. (not altering text)

- C1** S. 26 extended by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), ss. 6, 45, [Sch. 2 Pt. III para. 27\(8\)](#), [Sch. 7 Pt. VI para. 2](#)
- C2** S. 26 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 25 para. 1\(6\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\)](#), 17, 40(4), 57(6), 58)

Marginal Citations

- M1** [1990 c. 08](#)

27 Execution of works etc. in connection with public works.

- (1) A responsible authority may carry out—
- (a) if they have power to acquire land under section 26 above, on any land acquired by them under that section;
 - (b) on any other land belonging to them,
- works for mitigating any adverse effect which the construction, alteration, existence or use of any public works has or will have on the surroundings of the works.
- (2) Without prejudice to the generality of subsection (1) above, the works that may be carried out under that subsection include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.
- (3) A responsible authority may—
- (a) develop or redevelop any land acquired by them under section 26 above, or any other land belonging to them, for the purpose of improving the surroundings of public works in any manner which they think desirable by reason of the construction, alteration, existence or use of the works;
 - (b) dispose of any land acquired by them under section 26 above.
- (4) This section applies only where the responsible authority are a body incorporated by or under any enactment and has effect only for extending the corporate powers of any such authority.
- (5) In this section “public works” and “responsible authority” have the same meaning as in section 1 above except that “public works” does not include a highway^{F6}

Textual Amendments

- F6** Words repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [Sch. 2 Pt. I](#)

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

- 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](#)