
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

S C H E D U L E S

SCHEDULE 3

GENERAL VESTING DECLARATIONS FOR LAND COMPULSORILY ACQUIRED.

Recovery of compensation overpaid

- 10 The provisions of paragraphs 11 to 15 below shall have effect where, after the acquiring authority have made a general vesting declaration in respect of any land, a person claims compensation in respect of the acquisition by the authority of an interest in any land by virtue of the declaration, and the authority pay compensation in respect of that interest.
- 11 If, in a case falling within paragraph 10 above, it is subsequently shown—
 - (a) that the land, or the claimant's interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim ; and
 - (b) that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest, the acquiring authority may recover the amount of the excess from the claimant.
- 12 If, in a case falling within paragraph 10 above, it is subsequently shown that the claimant was not entitled to the interest in question, either in the whole or in part of the land to which the claim related, the acquiring authority may recover from him an amount equal to the compensation paid, or to so much of that compensation as, on a proper apportionment thereof, is attributable to that part of the land, as the case may be.
- 13 Any question arising under paragraph 11 or 12 above—
 - (a) as to the amount of the compensation to which the claimant was entitled in respect of an interest in land ; or
 - (b) as to the apportionment of any compensation paid,shall be referred to and determined by the Lands Tribunal; and in relation to the determination of any such question, the provisions of section 2 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications.
- 14 Subject to paragraph 13 above, any amount recoverable by the acquiring authority under paragraph 11 or 12 above shall be recoverable as a simple contract debt in any court of competent jurisdiction.
- 15 Any sum recovered under paragraph 11 or 12 above in respect of land by an acquiring authority who are a local authority shall be applied towards the repayment of any debt incurred in acquiring or redeveloping that land or if no debt was so incurred shall be paid into the account into which sums incurred in the acquisition of that land were paid.