



# Land Compensation Act 1973

## 1973 CHAPTER 26

### PART I

#### COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

**[<sup>F1</sup>12A Tenants participating in collective enfranchisement, or entitled to individual lease extension, under Part I of Leasehold Reform, Housing and Urban Development Act 1993.**

- (1) A tenancy to which subsection (2) or (3) below applies (“a qualifying tenancy”) shall be treated as an owner’s interest as defined in section 2(4) above whether or not the unexpired term on the date of service of the notice of claim is of the length there specified.
- (2) This subsection applies to a tenancy if the tenant, on the relevant date—
  - (a) is in respect of the tenancy a qualifying tenant for the purposes of Chapter I of Part I of the 1993 Act (collective enfranchisement); and
  - (b) by virtue of the tenancy, either—
    - (i) is a participating tenant in relation to a claim to exercise the right to collective enfranchisement under that Chapter; or
    - (ii) is one of the participating tenants on whose behalf the acquisition by the nominee purchaser has been made in pursuance of such a claim.
- (3) This subsection applies to a tenancy if the tenant, on the relevant date and in respect of the tenancy, is a qualifying tenant for the purposes of Chapter II of Part I of the 1993 Act (individual right to acquire new lease) who—
  - (a) has on or before that date given notice under section 42 of that Act (notice by qualifying tenant of claim to exercise right); and
  - (b) has not acquired a new lease before that date.
- (4) If no claim is made in respect of a qualifying tenancy before the claimant has ceased to be entitled to it in consequence of a lease being granted to him by the nominee purchaser or, as the case may be, under Chapter II of Part I of the 1993 Act, the claimant may make a claim in respect of the qualifying tenancy as if he were still entitled to it.

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- (5) No claim shall be made by virtue of subsection (4) above after the claimant has ceased to be entitled to the lease referred to in that subsection, but such a claim may be made before the first claim day if it is made before the claimant has disposed of that lease and after he has made a contract for disposing of it.
- (6) Compensation shall not be payable before the first claim day on any claim made by virtue of subsection (5) above.
- (7) Any notice of a claim made by virtue of this section shall contain, in addition to the matters mentioned in section 3 above, a statement that it is made in respect of a qualifying tenancy as defined in this section and, if made by virtue of subsection (4) or (5) above, sufficient particulars to show that it falls within that subsection.
- (8) In relation to a claim made by virtue of subsection (4) above, section 4(4)(a) above shall have effect as if the reference to the date of service of notice of the claim were a reference to the relevant date.
- (9) In this section—
- (a) “the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993; and
  - (b) “participating tenant”, “nominee purchaser” and “the acquisition by the nominee purchaser” shall be construed in accordance with sections 14, 15 and 38(2) of that Act respectively.]

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**Textual Amendments**

**F1** S. 12A inserted (1.11.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para.5**; S.I. 1993/2134, **art. 5(b)**.

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**Changes and effects yet to be applied to :**

- s. 12A(2)(b)(i) words substituted by [2002 c. 15 Sch. 8 para. 1\(2\)\(a\)](#)
- s. 12A(2)(b)(ii) words substituted by [2002 c. 15 Sch. 8 para. 1\(2\)\(b\)](#)
- s. 12A(4) words substituted by [2002 c. 15 Sch. 8 para. 1\(3\)](#)
- s. 12A(9)(a) word repealed by [2002 c. 15 Sch. 14](#)

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

- Act applied (with modifications) by [S.I. 2024/174 Sch. 8 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/230 Sch. 9 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 13](#)
- Act applied (with modifications) by [S.I. 2024/393 Sch. 10 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 13](#)
- 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](#)