



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 8

COMPULSORY PURCHASE

Valuation date

103 Assessment of compensation: valuation date

- (1) The Land Compensation Act 1961 (c. 33) is amended as follows.
- (2) After section 5 there is inserted—

“5A Relevant valuation date

- (1) If the value of land is to be assessed in accordance with rule (2) in section 5, the valuation must be made as at the relevant valuation date.
- (2) No adjustment is to be made to the valuation in respect of anything which happens after the relevant valuation date.
- (3) If the land is the subject of a notice to treat, the relevant valuation date is the earlier of—
 - (a) the date when the acquiring authority enters on and takes possession of the land, and
 - (b) the date when the assessment is made.
- (4) If the land is the subject of a general vesting declaration, the relevant valuation date is the earlier of—
 - (a) the vesting date, and
 - (b) the date when the assessment is made,

Status: Point in time view as at 24/03/2005.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Section 103 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and “general vesting declaration” and “vesting date” have the meanings given in section 2 of the Compulsory Purchase (Vesting Declarations) Act 1981.

- (5) If the acquiring authority enters on and takes possession of part of the land—
- (a) specified in a notice of entry, or
 - (b) in respect of which a payment into court has been made,
- the authority is deemed, for the purposes of subsection (3)(a), to have entered on and taken possession of the whole of that land on that date.
- (6) Subsection (5) also applies for the purposes of calculating interest under the following enactments—
- (a) section 11(1) of the Compulsory Purchase Act 1965;
 - (b) paragraph 3 of Schedule 3 to that Act;
 - (c) section 85 of the Lands Clauses Consolidation Act 1845;
 - (d) section 52A of the Land Compensation Act 1973,
- and references there to the date or time of entry are to be construed accordingly.
- (7) An assessment by the Lands Tribunal is treated as being made on the date certified by the Tribunal as—
- (a) the last hearing date before it makes its determination, or
 - (b) in a case to be determined without an oral hearing, the last date for making written submissions before it makes its determination.
- (8) Nothing in this section affects—
- (a) any express provision in any other enactment which requires the valuation of land subject to compulsory acquisition to be made at a particular date;
 - (b) the valuation of land for purposes other than the compulsory acquisition of that land (even if the valuation is to be made in accordance with the rules in section 5).
- (9) In this section—
- (a) a notice of entry is a notice under section 11(1) of the Compulsory Purchase Act 1965;
 - (b) a payment into court is a payment into court under Schedule 3 to that Act or under section 85 of the Lands Clauses Consolidation Act 1845.”

Commencement Information

II S. 103 in force at 31.10.2004 by S.I. 2004/2593, art. 2(a)

Status:

Point in time view as at 24/03/2005.

Changes to legislation:

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