



Housing and Planning Act 2016

2016 CHAPTER 22

PART 7

COMPULSORY PURCHASE ETC

Compensation

198 Repayment of payment to mortgagee if land not acquired

In the Land Compensation Act 1973, after section 52ZD (inserted by section 194 above) insert—

“52ZE Payment to mortgagee recoverable if notice to treat withdrawn

- (1) Where an acquiring authority have made a payment to a mortgagee under section 52ZA or 52ZB in relation to an interest in land and notify the claimant that the notice to treat relating to the interest is withdrawn or has ceased to have effect before the authority take possession of the land, the authority may by notice require the claimant to pay them an amount equal to the amount of the payment, unless another person has acquired the whole of the claimant's interest in the land.
- (2) Subsection (3) applies where—
 - (a) a payment under section 52ZA or 52ZB has been registered as a local land charge in accordance with section 52(8A),
 - (b) the whole of a claimant's interest in land has subsequently been acquired by another person (a “successor”),
 - (c) any notice to treat given in relation to the interest is withdrawn or ceases to have effect before the authority take possession of the land, and
 - (d) the acquiring authority notify the successor that they are not going to give the successor a notice to treat (or a further notice to treat) in relation to the interest.

Changes to legislation: Housing and Planning Act 2016, Section 198 is up to date with all changes known to be in force on or before 02 September 2023. 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) [View outstanding changes](#)

- (3) The authority may by notice require the successor to pay them an amount equal to the amount of the payment.
- (4) A notice under subsection (1) or (3) must specify the date by which the claimant or successor must pay the amount.
- (5) The date mentioned in subsection (4) must be after the period of two months beginning with the day on which the authority give the notice under subsection (1) or (3).
- (6) Neither subsection (1) nor subsection (3) affects a right to compensation under section 31(3) or (3A) of the Land Compensation Act 1961 or section 5(2C)(b) of the Compulsory Purchase Act 1965.”

Commencement Information

II [S. 198](#) in force at 6.4.2018 by [S.I. 2018/251](#), [reg. 4\(i\)](#) (with [reg. 6](#))

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)