



Housing and Planning Act 2016

2016 CHAPTER 22

PART 7

COMPULSORY PURCHASE ETC

Power to override easements and other rights

204 Compensation for overridden easements etc

- (1) A person is liable to pay compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by section 203 [^{F1}(1)(a) or (b)(i) or (4)(a) or (b)(i)].
- [^{F2}(1A) But a person is not liable to pay compensation under this section for breaching an obligation under a conservation covenant.]
- (2) The compensation is to be calculated on the same basis as compensation payable under sections 7 and 10 of the Compulsory Purchase Act 1965.
- (3) Where a person other than a specified or qualifying authority is liable to pay compensation under this section but has not paid—
- (a) the liability is enforceable against the authority, but
 - (b) the authority may recover from that person any amount it pays out.
- [^{F3}(4) The authority against which a liability is enforceable by virtue of subsection (3)(a) is—
- (a) where the land to which the compensation relates was vested in or acquired by a company through which the Greater London Authority exercises or has exercised functions in relation to housing or regeneration, the Greater London Authority,
 - (b) where the land was vested in or acquired by a company through which Transport for London exercises or has exercised any of its functions, Transport for London, or
 - (c) in all other cases, the specified or qualifying authority in which the land was vested, or by which the land was acquired or appropriated.]

Changes to legislation: Housing and Planning Act 2016, Section 204 is up to date with all changes known to be in force on or before 05 August 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

- (5) Any dispute about compensation payable under this section may be referred to and determined by the Upper Tribunal.

Textual Amendments

- F1** Words in [s. 204\(1\)](#) inserted (30.9.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 20 para. 6(2)** (with [s. 144](#)); [S.I. 2022/48](#), [reg. 5\(d\)](#)
- F2** [S. 204\(1A\)](#) inserted (30.9.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 20 para. 6(3)** (with [s. 144](#)); [S.I. 2022/48](#), [reg. 5\(d\)](#)
- F3** [S. 204\(4\)](#) substituted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 37(3)**, 46(1); [S.I. 2017/767](#), [reg. 2\(i\)](#)
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Commencement Information

- I1** S. 204 in force at 13.7.2016 by [S.I. 2016/733](#), [reg. 3\(m\)](#)

Changes to legislation:

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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\(8\)\(a\)\(ii\)](#)