



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART XIII

### APPLICATION OF ACT TO SPECIAL CASES

#### *Other special cases*

#### **204 National Coal Board**

- (1) Regulations made under this Act by the Minister and the Minister of Power with the consent of the Treasury may direct that any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, being provisions relating to statutory undertakers and to land of such undertakers, shall apply, subject to such adaptations, modifications and exceptions as may be specified in the regulations, in relation to the National Coal Board, and in relation to land (including mines) of that Board of any such class as may be specified in the regulations, as if the Board were statutory undertakers and as if land of any class so specified were operational land.
- (2) Without prejudice to the generality of the preceding subsection, any regulations made thereunder may in particular provide that any compensation payable to the National Coal Board by virtue of any of the provisions applied by the regulations, being compensation which, in the case of statutory undertakers, would be assessable in accordance with the provisions of section one hundred and seventy-one of this Act, shall, instead of being assessed in accordance with that section, be assessed in accordance with the provisions of the regulations.

#### **205 Ecclesiastical property**

- (1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, with respect to notices served under that Act, where under any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

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- (2) Where the fee simple of any ecclesiastical property is in abeyance—
- (a) if the property is situated elsewhere than in Wales or Monmouthshire, then for the purposes of the provisions of this Act specified in paragraph 3 of the Eighth Schedule thereto the fee simple shall be treated as being vested in the Church Commissioners ;
  - (b) in any case, the fee simple shall, for the purposes of a compulsory acquisition of the property under Part V of this Act, be treated as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (3) Any compensation payable under Part VII of this Act in respect of land which is ecclesiastical property shall be paid to the Church Commissioners, to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.
- (4) Any sum which under any of the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto is payable in relation to land which is, or on the appointed day was, ecclesiastical property, and apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners, to be applied for the purposes mentioned in the last preceding subsection ; and where any sum is recoverable under section one hundred and thirteen, section one hundred and twenty-two or section two hundred and eight of this Act in respect of any such land, the Church Commissioners may apply any money or securities held by them in the payment of that sum.
- (5) In this section “ecclesiastical property ” means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

## **206 Settled land, and land of universities and colleges**

- (1) The purposes authorised for the application of capital moneys—
- (a) by section seventy-three of the Settled Land Act, 1925, and by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale, and
  - (b) by section twenty-six of the Universities and College Estates Act, 1925, and the purposes authorised by section seventy-one of the Settled Land Act, 1925, by that section as so applied, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage, shall include the payment of any sum recoverable under section one hundred and thirteen, section one hundred and twenty-two or section two hundred and eight of this Act.
- (2) The purposes authorised, as mentioned in the preceding subsection, for the application of capital moneys and as purposes for which moneys may be raised by mortgage, shall include the discharge of any sum payable in respect of a development charge under Part VII of the Act of 1947, being a sum determined by the Central Land Board as a capital payment or as an instalment of capital.
- (3) The classes of works specified in Part II of the Third Schedule to the Settled Land Act, 1925 (which specifies improvements which may be paid for out of capital money, subject to provisions under which repayment out of income may be required to be made) shall include works specified by the Minister as being required for properly

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maintaining a building in relation to which a building preservation order is in force, and which is settled land within the meaning of that Act.