



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VII

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

Supplementary provisions

127 General provisions as to compensation for depreciation under Part VII

- (1) For the purpose of assessing any compensation to which this section applies, the rules set out in section five of the Land Compensation Act, 1961, shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) This section applies to any compensation which, under the preceding provisions of this Part of this Act, other than section one hundred and twenty-five thereof, is payable in respect of depreciation of the value of an interest in land.
- (3) Where an interest in land is subject to a mortgage—
 - (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage ;
 - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
 - (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.