



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART VIII

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

*Interests of owner-occupiers affected by planning proposals*

### **145 Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire**

- (1) The provisions of subsections (2) and (3) of this section shall have effect where the grounds of objection specified in a counter-notice served under section one hundred and forty of this Act consist of or include the grounds mentioned in paragraph (b) of subsection (2) of that section, and either—
  - (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
  - (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.
- (2) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes the whole or part of the hereditament or agricultural unit to which the counter-notice relates, or if the land in question falls within paragraph (d) of subsection (1) of section one hundred and thirty-eight of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in the hereditament or agricultural unit or any part thereof shall cease to have effect.
- (3) If the land in question falls within paragraph (a) of subsection (1) of section one hundred and thirty-eight of this Act, then (without prejudice to the effect of any subsequent designation) the development plan shall have effect as if no part of the hereditament, or (in the case of an agricultural unit) no part of the affected area, were designated therein as land subject to compulsory acquisition.

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*Status: This is the original version (as it was originally enacted). This  
item of legislation is currently only available in its original format.*

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- (4) The provisions of subsections (5) and (6) of this section shall have effect where the grounds of objection specified in a counter-notice under section one hundred and forty of this Act consist of or include the grounds mentioned in paragraph (c) of subsection (2) of that section, and either—
- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
  - (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred;
- and in those subsections any reference to “the part of the affected area not required ” is a reference to the whole of that area except the part specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in the counter-notice.
- (5) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes any of the part of the affected area not required, or if the land in question falls within paragraph (d) of subsection (1) of section one hundred and thirty-eight of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in any land comprised in the part of the affected area not required shall cease to have effect.
- (6) If the land in question falls within paragraph (a) of subsection (1) of section one hundred and thirty-eight of this Act, then (without prejudice to the effect of any subsequent designation) the development plan shall have effect as if no land comprised in the part of the affected area not required were designated therein as land subject to compulsory acquisition.