



# 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*

#### **149 Meaning of “owner-occupier” and “resident owner-occupier”**

- (1) Subject to the following provisions of this section, in these provisions “owner-occupier”, in relation to a hereditament, means a person who—
  - (a) occupies the whole or part of the hereditament in right of an owner's interest therein, and has so occupied the hereditament or that part thereof during the whole of the period of six months ending with the date of service, or
  - (b) occupied, in right of an owner's interest, the whole or part of the hereditament during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.
- (2) Subject to the following provisions of this section, in these provisions “owner-occupier”, in relation to an agricultural unit, means a person who—
  - (a) occupies the whole of that unit, and has occupied it during the whole of the period of six months ending with the date of service, or
  - (b) occupied the whole of that unit during the whole of a period of six months ending not more than six months before the date of service,and, at all times material for the purposes of paragraph (a) or paragraph (b) of this subsection, as the case may be, has been entitled to an owner's interest in the whole or part of that unit.
- (3) In these provisions “resident owner-occupier”, in relation to a hereditament, means an individual who—
  - (a) occupies the whole or part of the hereditament as a private dwelling in right of an owner's interest therein, and has so occupied the hereditament or that

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part thereof, as the case may be, during the whole of the period of six months ending with the date of service, or

- (b) occupied, in right of an owner's interest, the whole or part of the hereditament as a private dwelling during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.
- (4) In this section " owner's interest", in relation to a hereditament or agricultural unit, means a freehold interest therein or a tenancy thereof granted or extended for a term of years certain of which, on the date of service, not less than three years remain unexpired; and in this and the next following section "date of service ", in relation to a hereditament or agricultural unit, means the date of service of a notice in respect thereof under section one hundred and thirty-nine of this Act.