



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART XII

FINANCIAL PROVISIONS

190 Recovery from acquiring authorities of sums paid by way of compensation

- (1) Where an interest in land is compulsorily acquired, or is sold to an authority possessing compulsory purchase powers and any of the land comprised in the acquisition or sale is land in respect of which a notice to which this section applies is registered (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected the Minister shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with subsection (6) of section one hundred and twelve of this Act) is to be treated, as attributable to that land.
- (2) This section applies to notices registered under subsection (5) of section one hundred and twelve of this Act and to notices registered under the provisions of that subsection as applied by subsection (5) of section one hundred and twenty of this Act.
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land comprised therein to which a person other than the acquiring authority is entitled, the sum referred to in subsection (1) of this section shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Minister is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) Where by virtue of the preceding provisions of this section the Minister recovers a sum in respect of any land, by reason that it is land in respect of which a notice is registered under the provisions of subsection (5) of section one hundred and twelve

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of this Act as applied by section one hundred and twenty of this Act, subsections (2) and (3) of section one hundred and twenty-two of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the last-mentioned section.

- (6) In this and the next following section “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land, and does not include any other interest therein.