



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART XII

FINANCIAL PROVISIONS

191 Recovery from acquiring authorities of sums paid in respect of war-damaged land

- (1) Where an interest in land is compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers, and a payment exceeding twenty pounds has become or becomes payable under section fifty-nine of the Act of 1947 in respect of that interest, the Minister shall, subject to the following provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.
- (2) If, before the eighteenth day of November, nineteen hundred and fifty-two, operations were begun in, on, over or under the land, or a use of the land was instituted, being operations or a use—
 - (a) in respect of which a development charge has at any time been determined to be payable, or it has at any time been determined that no development charge was payable, or
 - (b) comprised in a scheme of development exempt from development charge,the preceding subsection shall not apply to so much of any payment referred to in that subsection as was attributable to any land in relation to which the determination was made or, as the case may be, which is included in that scheme of development.
- (3) No amount shall be recoverable under this section in respect of any land in relation to which an amount has become recoverable by the Minister under the provisions of section one hundred and thirteen of this Act as applied by section two hundred and eight of this Act.
- (4) If the acquisition or sale in question does not extend to the whole of the land to which the payment under the said section fifty-nine related, the amount recoverable under this section shall be so much of that payment as, in accordance with the next following

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subsection, is to be treated as apportioned to the land in which the interest acquired or sold subsists.

- (5) For the purposes of this section a payment under section fifty-nine of the Act of 1947 shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under that section, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between different parts of that land.
- (6) In this section references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before the eighteenth day of November, nineteen hundred and fifty-two, all those operations and uses would have been exempt from the provisions of Part VII of the Act of 1947 by virtue of regulations made thereunder; and references (to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.