



# Town and Country Planning Act 1954

## 1954 CHAPTER 72

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### **47 Associated companies**

- (1) Notwithstanding anything in Part I of this Act, no person shall be entitled to a payment under section five, seven, eight, ten or eleven of this Act by virtue of a disposition between companies which at the time of the disposition were associated companies.
- (2) Where a company is the holder of a claim holding, then, for the purpose of ascertaining whether or not that company is entitled to a payment in respect of the holding under Part I or Part V of this Act, any act or event which occurred in relation to another company which at the time of that act or event was, or after that time but before the twenty-sixth day of February, nineteen hundred and fifty-four, became, associated with the company which holds the claim holding shall be treated as having occurred in relation to the company which holds the claim holding, and an interest in land held by any other company for the time being associated with the company which holds the claim holding shall be treated as being held by the company which holds the claim holding.
- (3) For the purposes of this section, a company shall be treated as associated with another company if, and only if, within the meaning of section one hundred and fifty-four of the Companies Act, 1948, one of those companies is a subsidiary of the other, or both those companies are subsidiaries of the same holding company.

#### **48 Provision of information as to unexpended balance, etc.**

- (1) Subject to the provisions of this section, the Central Land Board shall, upon application therefor being made to them at any time by any person, and may at any time, if they think fit, without any application being made therefor, issue a certificate in the prescribed form with respect to any land stating whether or not any of that land has an original unexpended balance of established development value and, if it has such a balance—

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- (a) giving a general statement of what was taken by the Board for the purposes of Part VI of the principal Act to be the state of that land on the first day of July, nineteen hundred and forty-eight; and
- (b) specifying (subject to any outstanding claims under Part I or Part V of this Act) the amount of that original balance,

and any such certificate may, if the Board think fit, contain additional information with respect to acts or events in consequence of which, by virtue of any provision of this Act, a deduction falls to be made from that original balance in determining the unexpended balance, if any, of established development value of any of that land at any time thereafter.

- (2) Where, after the commencement of this Act, a notice to treat has been served with a view to the compulsory acquisition of an interest in any land by any public authority possessing compulsory purchase powers, being such a department, authority, person or body of persons as is mentioned in subsection (1) of section thirty of this Act, that authority may apply to the Central Land Board for, and shall be entitled to the issue of, a certificate showing the unexpended balance of established development value, if any, of any of that land immediately before the service of that notice.
- (3) Where the issue of a certificate under this section with respect to any land involves a new apportionment or, in the case of a certificate under the last preceding subsection, involves the calculation of a deduction from the original unexpended balance of established development value of the land by virtue of subsection (4) of section eighteen of this Act, then—
  - (a) except in the case of a certificate under the last preceding subsection or of a certificate which the Board propose to issue without any application being made therefor, the certificate shall not be issued otherwise than on the application of a person for the time being entitled to an interest in the land ;
  - (b) before issuing the certificate, the Board shall give notice in writing to any person entitled to an interest in land which it appears to the Board will be substantially affected by the apportionment or calculation, giving particulars of the proposed apportionment or calculation and stating that objections or other representations with respect thereto may be made to the Board within thirty days from the date of the notice ; and
  - (c) the certificate shall not be issued before the date of expiration of the said thirty days, and if at that date an objection to the proposed apportionment or calculation has been made by any person to whom notice has been given under the last preceding paragraph, or by any other person who establishes that he is entitled to an interest in land which is substantially affected by the apportionment or calculation, and that objection has not been withdrawn, the next following subsection shall have effect.
- (4) Where by virtue of paragraph (c) of the last preceding subsection this subsection is to have effect, then—
  - (a) if within a further period of thirty days the person by whom any such objection was made requires the dispute to be referred to the Lands Tribunal, the dispute shall be so referred and the certificate shall not be issued until either the Tribunal has decided the matter or the reference to the Tribunal has been withdrawn;
  - (b) the certificate may be issued before the expiration of the said further period if every such objection has been withdrawn; and

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- (c) the certificate shall be issued at the date of expiration of the said further period, notwithstanding that every such objection has not been withdrawn, if no requirement has by that date been made under paragraph (a) of this subsection.
- (5) Where, on a reference to the Lands Tribunal under this section, it is shown that a new apportionment relates partly to the same matters as any previous apportionment and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the new apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.
- (6) A certificate under subsection (2) of this section shall be conclusive evidence of the unexpended balance shown therein, and a certificate under subsection 1(1) of this section shall be sufficient proof of any facts stated therein unless the contrary is shown.
- (7) An application for a certificate under this section shall be made in such form and manner as may be prescribed, and shall be accompanied by sufficient particulars, including a map if necessary, to enable the land to be identified and, where a new apportionment will be involved, particulars of the nature of the applicant's interest and such information as to the nature of any other interest in the land and as to the name and address of the person entitled to that other interest as may be known to the applicant.
- (8) On any application under subsection (1) of this section the applicant shall pay in the prescribed manner a fee of five shillings and, if the application involves a new apportionment, the certificate shall not be issued until the applicant has paid in the prescribed manner a further fee of fifteen shillings.
- (9) In this section, the expression " new apportionment" means an apportionment which relates wholly or partly to any matters relating to which there has not been a previous apportionment.

#### **49 Cancellation or reduction of liability for development charges**

- (1) The provisions of this section shall have effect in cases where at the commencement of this Act the whole or part of a development charge remains unpaid and, apart from this section, the charge or the unpaid balance thereof would then be payable, or would thereafter become payable, to the Central Land Board.
- (2) If under Part I of this Act the Board set off the whole of the charge, or the unpaid balance thereof, against a payment thereunder, as being a payment which (but for the set-off) would be payable by the Board under the said Part I, or would have been so payable if applied for, the development charge and any liability of any person in respect thereof shall thereupon be discharged.
- (3) If under Part I of this Act the Board set off part of the charge, or of the unpaid balance thereof, as mentioned in the last preceding subsection, the development charge, or the unpaid balance thereof, shall be treated as reduced by the amount so set off and any liability of any person in respect thereof shall be modified accordingly.
- (4) Where, for the purposes of the Second Schedule to this Act, one or more development charges such as are mentioned in subsection (1) of this section are covered by a pledge of one or more claim holdings to the Central Land Board, and by virtue of the provisions of that Schedule one or more of those claim holdings are deemed to have been extinguished or reduced in value by reference to the unpaid balance of the charge

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or, as the case may be, the aggregate of the unpaid balances of the charges, as therein mentioned, a sum equal to, or to the aggregate of—

- (a) the value of any such holding which is deemed to have been extinguished; and
- (b) the amount of the reduction in the value of any such holding which is deemed to have been reduced in value but not extinguished,

shall be deducted from that balance or that aggregate of balances and—

- (i) if that sum is equal to that balance or aggregate of balances, the charge or charges and any liability of any person in respect thereof shall be discharged ;
- (ii) if that sum is less than that balance or aggregate of balances, the charge or charges, or the balance or respective balances thereof remaining unpaid at the commencement of this Act, shall be reduced by an amount, or, as the case may be, shall be reduced rateably by an aggregate amount, equal to that sum:

Provided that where paragraph 2 of the Second Schedule to this Act applies, any development charge in connection with which the claim holding in question was pledged in accordance with the arrangements mentioned in sub-paragraph (1) of that paragraph and any liability of any person in respect thereof shall be discharged without regard to the treatment of the claim holding in question.

- (5) Where the Central Land Board agreed that payment of a development charge should be postponed in accordance with the special arrangements relating to the accommodation of agricultural workers, the Board shall treat the development charge and any liability of any person in respect thereof as discharged.
- (6) In the case of a development charge which is discharged by virtue of paragraph (i) of subsection (4) of this section—
  - (a) if no sum had been paid, to the Central Land Board on account of the charge, the charge shall for the purposes of Part I of this Act be treated as not having been incurred; and
  - (b) if any sum had been so paid, then, notwithstanding anything in subsection (3) of section four of this Act, the amount of the charge shall for the said purposes be treated as the amount or aggregate amount of the sum or sums so paid, other than any sum paid by way of interest;

and a development charge which is treated as discharged by virtue of the last preceding subsection shall, for the purposes of any other provision of this Act except subsection (3) of section fifty-two thereof, be treated as not having been determined to be payable.

- (7) References in this section, except in subsection (4) thereof, to the unpaid balance of a development charge include references to any arrears of interest in respect of the charge.

## **50 Exchequer grants to local authorities**

Subject to the next following section, the following section shall be substituted for section ninety-three of the principal Act:—

- (1) Regulations made under this section with the consent of the Treasury may provide for the payment by the Minister to local authorities of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities, whether before or after the passing of this Act—

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- (a) in connection with the acquisition of land approved by the Minister for the purposes of the regulations, or in connection with the clearing or preliminary development of land acquired by those authorities with such approval;
  - (b) in the payment of compensation under Part III or Part VIII of this Act (other than compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act), or in taking any action under section twenty-four, twenty-five or twenty-six of this Act, or under the said section twenty-four as applied by any of the provisions of Part III of this Act;
  - (c) in connection with the carrying out of any work of restoring, repairing or adapting buildings acquired, by those authorities, being work approved by the Minister for the purposes of the regulations in the case of a building as respects which, immediately before the acquisition thereof, a building preservation order was in force or could have been made.
- (2) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed, by or under the regulations, in respect of land appropriated by local authorities (whether before or after the passing of this Act) for any purpose approved by the Minister in accordance with the regulations, as if the land had been acquired for that purpose at a cost of such amount, and defrayed in such manner, as may be determined, by or under the regulations.
- (3) Without prejudice to the generality of the foregoing provisions of this section, any regulations made under this section may provide—
  - (a) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved by the Minister for the purposes of the regulations, of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);
  - (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made, or by reference to the excess of such annual costs over receipts of those authorities which are attributable to such expenditure, or over the annual value of such receipts, as may be prescribed by the regulations.
- (4) The amount of any grant paid to a local authority in accordance with regulations made under this section—
  - (a) where that amount is calculated by reference to annual costs incurred or treated as incurred by the authority in respect of the borrowing of money to defray expenditure in respect of which the grant is made, or by reference to the excess of such annual costs over the receipts, or the annual value of receipts, mentioned in paragraph (b) of the last foregoing subsection, shall not exceed an amount equal to fifty per cent. of those costs, or of that excess, as the case may be ;
  - (b) in any other case, shall not exceed an amount equal to fifty per cent. of the amount of the expenditure in respect of which the grant is made:

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Provided that, in relation to—

- (i) land acquired for use as a public open space ; or
- (ii) such part, if any, of any land appropriated as mentioned in subsection (2) of this section as is intended for such use,

the regulations may provide that, if in any particular case the Minister is satisfied that, having regard to the expenditure in respect of which the grant is to be made and the financial circumstances of the local authority concerned, it is just that a higher grant should be made, the amount of the grant in that particular case shall be an amount equal to such percentage, exceeding fifty but not exceeding seventy-five per cent., of the costs, excess or expenditure aforesaid as the Minister may determine.

- (5) Any expenses incurred by the Minister in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.
- (6) In this section the expression ' preliminary development ', in relation to land approved for the purposes of regulations made thereunder, means the carrying out of any work determined in accordance with the regulations to be work preparatory to the development of the land for the purposes for which it was acquired or appropriated, or work comprised in the initial stages of such development.”

## **51 Supplementary provisions as to Exchequer grants**

- (1) Nothing in the last preceding section, or in the amendments and repeals effected by the following provisions of this Part of this Act, shall affect the payment of any grant in respect of a year or part of a year ending on or before the thirty-first day of March, nineteen hundred and fifty-five.
- (2) As respects land of any of the following descriptions, that is to say—
  - (a) land comprised in a compulsory purchase order made by a local authority under the Town and Country Planning Act, 1944, or the principal Act, and confirmed before the twenty-sixth day of February, nineteen hundred and fifty-four, being land acquired, for any of the purposes specified in paragraph (a) of subsection (5) of section ninety-three of the principal Act;
  - (b) land acquired by agreement for any of those purposes with the consent of the Minister given before that date;
  - (c) land appropriated by a local authority for any of those purposes before that date;
  - (d) land acquired or appropriated for any of those purposes (whether before or after that date), being land contiguous or adjacent to land falling within any of the preceding paragraphs,

paragraph (a) of subsection (4) of the section which, by the last preceding section, is substituted for the said section ninety-three shall apply as if for the reference in that paragraph to fifty per cent. of the annual costs or excess therein mentioned there were substituted a reference to ninety per cent. of those costs or of that excess, as the case may be:

Provided that this subsection shall not authorise the payment in the case of any land of a grant at a higher rate in respect of a year or part of a year which, together with the

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preceding years or parts of years in respect of which grants at a higher rate have been paid in the case of that land, would extend beyond a total period of eight years.

- (3) For the purposes of any regulations made under section ninety-three of the principal Act (whether before or after the commencement of this Act), the definition in that Act of the expressions " area of extensive war damage " and " area of bad lay-out or obsolete development " shall apply, and be deemed always to have applied, as if in that definition the words " being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development " had been omitted.
- (4) In this section, references to section ninety-three of the principal Act are references to that section as it has effect apart from the last preceding section, and references to a grant at a higher rate are references to a grant of an amount authorised by the said section ninety-three as it so has effect, but not authorised (otherwise than by virtue of subsection (2) of this section) by the provisions substituted for that section by the last preceding section.

## **52 Recovery of certain sums from acquiring authorities**

- (1) Where, under Part I of this Act, a payment becomes payable by the Central Land Board in respect of the compulsory acquisition of an interest in land by, or the sale of such an interest to, a public authority possessing compulsory purchase powers (in this section referred to as " the acquiring authority " ), the Board shall, subject to the provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.
- (2) The preceding subsection shall not apply if—
  - (a) the acquiring authority is a government department and the interest was acquired in pursuance of a notice to treat served, or a contract made, before the twenty-sixth day of February, nineteen hundred and fifty-four ; or
  - (b) the interest was acquired, in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or re-development of any area as a whole; or
  - (c) the interest was acquired, in pursuance of such a notice to treat or contract as is mentioned in the last preceding paragraph, for the purposes of the use of the land as a public open space or as allotments:

Provided that paragraph (b) of this subsection shall not affect the application of the preceding subsection—

- (i) if the interest was acquired by a development corporation under the New Towns Act, 1946 ; or
  - (ii) if it is certified by the Minister that the interest was acquired for the purposes of the development or redevelopment of an area as an industrial estate.
- (3) If, before the eighteenth day of November, nineteen hundred and fifty-two, operations were begun in, on, over or under any land in which an interest such as is mentioned in subsection (1) of this section subsists, or a use of any such land was instituted, being operations or a use—
  - (a) in respect of which, whether before or after the commencement of this Act, a development charge has been determined to be payable, or it has been determined that no development charge is payable; or
  - (b) comprised in a scheme of development exempt from development charge,

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the said subsection (1) shall not apply to so much of any payment referred to in that subsection as is 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.

(4) If such a payment as is mentioned in subsection (1) of this section would have been payable, or the amount of such a payment would have been greater, but for the existence of either or both of the following circumstances, that is to say—

- (a) that by virtue of the Second Schedule to this Act a claim holding relating to the whole or part of the land comprised in the acquisition or sale was treated as extinguished, or reduced in value, by reference to a development charge relating to other land;
- (b) that by virtue of subsection (2) of section fourteen of this Act a sum was set off against the payment by reference to such a development charge,

the preceding provisions of this section shall apply as if neither of those circumstances had existed and the payment had become payable or (as the case may be) the amount of the payment had been increased accordingly.

(5) Where, under subsection (3) of section fourteen of this Act, a sum was set off against a payment, as being a payment which would have been payable under Part I of this Act if applied for, the preceding provisions of this section shall apply as if that payment had been payable under the said Part I and the set-off had been effected under subsection (2) of the said section fourteen.

(6) Where, in the case of a compulsory acquisition to which Part III of this Act applies, the compensation payable in respect of the acquisition is diminished—

- (a) by an amount exceeding twenty pounds owing to the fact that compensation under Part II or V of this Act or compensation to which Part IV of this Act applies has become payable in respect of a planning decision or order made before the service of the notice to treat; or
- (b) owing to the fact that by virtue of the Second Schedule to this Act a claim holding relating to the whole or part of the land comprised in the acquisition was treated as extinguished, or reduced in value, by reference to a development charge relating to other land,

the Minister (in a case falling within paragraph (a) of this subsection) or the Central Land Board (in a case falling within paragraph (b) thereof) shall be entitled to recover from the acquiring authority a sum equal to the amount by which the compensation is less than it would have been if the circumstances referred to in paragraph (a) or (b) of this subsection, as the case may be, had not existed.

(7) Where an interest in land is compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers, in pursuance of a notice to treat served, or a contract made, after the commencement of this Act, or was so acquired or sold in pursuance of a notice to treat served, or a contract made, on or after the sixth day of August, nineteen hundred and forty-seven, and before the commencement of this Act, and a payment exceeding twenty pounds has become payable under section fifty-nine of the principal Act in respect of that interest, or becomes so payable after the commencement of this Act, the Central Land Board shall be entitled to recover the amount of the payment from the acquiring authority:

Provided that—

- (a) the provisions of subsections (2) and (3) of this section shall have effect in relation to this subsection as they have effect in relation to subsection (1) of this section;



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- (b) no amount shall be recoverable by the Central Land Board under this subsection in relation to any land in relation to which an amount has become recoverable by the Minister under section twenty-nine as applied by section fifty-seven of this Act;
  - (c) if the acquisition or sale does or did not extend to the whole of the land to which the payment related, the amount recoverable under this subsection shall be so much of that payment as is by virtue of subsection (4) of section fifty-seven of this Act to be treated as apportioned to the land in which the interest acquired or sold subsisted.
- (8) Regulations made under this section with the consent of the Treasury may provide—
- (a) for reducing the amount recoverable from the acquiring authority under subsection (1) of this section, or under the last preceding subsection, in cases where, since the interest was acquired by that authority and before the eighteenth day of November, nineteen hundred and fifty-two, the land in question or part thereof was the subject of a disposition of a description specified by the regulations, not being a disposition in favour of a public authority possessing compulsory purchase powers;
  - (b) for enabling the acquiring authority to recover a contribution, determined in such manner as may be prescribed by the regulations, from another public authority possessing compulsory purchase powers, in cases where, since the interest was acquired by the acquiring authority and before the commencement of this Act, the land in question or part thereof was the subject of a compulsory acquisition by that other authority, or of any other disposition in favour of that authority of a description so prescribed;
  - (c) for applying the provisions of subsection (6) of this section, subject to such adaptations and modifications as may be prescribed, to purchases of land by agreement, by public authorities possessing compulsory purchase powers, in pursuance of contracts made after the commencement of this Act, where the purchase price is determined in accordance with the regulations to be diminished as mentioned in that subsection.
- (9) Where a sum is recoverable from an authority under this section by reference to an acquisition or purchase of an interest in land, and in respect thereof, or of a subsequent appropriation of the land, a grant became or becomes payable to that or some other authority under any enactment, the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.
- (10) 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 principal Act 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.

## **53 Compensation for damage to requisitioned land**

- (1) Subject to the provisions of this section, any compensation accruing due in respect of any land after the commencement of this Act by virtue of paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939 (which relates

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to compensation payable in respect of damage occurring to requisitioned land during the period of requisition) shall not exceed the amount (if any) by which the value mentioned in paragraph (a) of the next following subsection falls short of the price mentioned in paragraph (b) of that subsection.

- (2) The said value and price are—
- (a) the value, at the time when the compensation accrues due, of a freehold interest in the land in question, free from incumbrances but subject to any easement or other restriction affecting the land at that time ; and
  - (b) the price which would be the compulsory purchase price of the land at that time if it were then in the state in which it was when possession of the land was taken in the exercise of emergency powers.
- (3) Neither of the following provisions, that is to say—
- (a) paragraph (ii) of the proviso to subsection (1) of the said section two (which provided that the compensation payable under paragraph (b) of that subsection should be limited to the value of the land at the time when it was requisitioned); and
  - (b) subsection (1) of section ten of the Requisitioned Land and War Works Act, 1948 (which substituted a different limit, by reference to the compulsory purchase price of the land in its existing state and in the state in which it was when requisitioned),

shall apply to compensation to which subsection (1) of this section applies.

- (4) Subsection (3) of section ten of the said Act of 1948 (which makes provision as to the matters to be taken into account in calculating the compulsory purchase price of the land in its existing state) shall apply for the purposes of this section, with the substitution for references to the compulsory purchase price of land of references to the value of such a freehold interest as is mentioned in paragraph (a) of subsection (2) of this section; and subsection (4) of that section (which provides for increased compensation in certain cases above the limit imposed by subsection (1) of that section) shall apply for the purposes of this section, with the substitution for the reference to subsection (1) of that section of a reference to subsection (1) of this section.
- (5) In this section the expression " compulsory purchase price " has the meaning assigned to it by subsection (2) of the said section ten.

## **54 Special provisions relating to minerals**

- (1) Development charges determined in respect of the winning and working of minerals shall cease to have effect in so far as they require the payment of any royalty or other sum in respect of minerals got after the commencement of this Act.
- (2) Where a development charge has been determined in respect of the winning and working of minerals over a period ending after the commencement of this Act, the Central Land Board shall, if application is made to them in that behalf in accordance with the regulations for the time being in force under section seventy-three of the principal Act, vary the determination, and amend, discharge or release any covenants or charges made or given in respect thereof, in such manner as appears to them appropriate for limiting the development charge to the winning and working of the minerals within so much of that period as preceded the commencement of this Act,

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and shall repay any sums paid thereunder so far as may be requisite for giving effect to the variation.

- (3) In relation to interests in land consisting of or comprising minerals, and in relation to claims established wholly or partly in respect of such land, the provisions of this Act shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.
- (4) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.
- (5) The Mineral Development Charge Set-off Regulations, 1951, shall cease to have effect; but in respect of the winning and working of minerals to which those Regulations applied no development charge shall be payable or be deemed ever to have been payable.

## **55 Modification of mining leases granted before 18th November, 1952**

- (1) The Lands Tribunal may, upon application made to them within one year from the commencement of this Act by any party to a lease to which this section applies, by order modify the provisions of the lease so far as may be required in order to secure that the sums payable by the lessee under the lease, in respect of any period beginning on or after the date of the commencement of this Act, are equal to the sums which, in the opinion of the Tribunal, the lessee could, at the time of the lease, fairly and reasonably have been required so to pay if no development charges had been payable in respect of the winning and working of minerals.
- (2) This section applies to the following leases, that is to say—
  - (a) any mining lease granted within the period beginning on the first day of July, nineteen hundred and forty-eight, and ending on the seventeenth day of November, nineteen hundred and fifty-two ;
  - (b) any mining lease granted after the end of that period by virtue of the exercise before the commencement of this Act of an option granted within that period;
  - (c) any mining lease granted before the beginning of that period, if the terms of the lease as to the payments to be made thereunder by the lessee were varied by an agreement entered into within that period or by an order made within that period under section thirty of the Mineral Workings Act, 1951 (which empowered the Lands Tribunal to modify mining leases granted before the said first day of July).
- (3) In determining for the purposes of subsection (1) of this section the sums which a lessee could fairly and reasonably have been required to pay in respect of any period beginning on or after the date of the commencement of this Act, the Tribunal shall have regard to the terms and conditions of the lease, other than terms and conditions as to the sums payable by the lessee thereunder, except sums so payable in respect of any period beginning before that date.
- (4) The provisions of this section shall apply in relation to orders made under Part I of the Mines (Working Facilities and Support) Act, 1923, as they apply in relation to mining leases, with the substitution for references to the granting of a lease of references to the making of such an order and for references to the Lands Tribunal of references to the High Court.

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- (5) The provisions of this section shall apply in relation to an option conferring a right to require the grant of a mining lease, being an option granted within the period beginning on the first day of July, nineteen hundred and forty-eight, and ending on the seventeenth day of November, nineteen hundred and fifty-two, as they apply in relation to a lease to which this section applies, with the substitution for references to the terms and conditions of the lease and the sums payable by the lessee thereunder of references to the terms and conditions of the lease which would be granted if the option were exercised and to the sums which would be payable by the lessee under that lease.
- (6) Section thirty of the Mineral Workings Act, 1951, shall cease to have effect.

## **56 Contributions to Ironstone Restoration Fund**

- (1) In respect of ironstone extracted by opencast operations after the commencement of this Act, the rate of the contributions payable under section three of the Mineral Workings Act, 1951 (which provides for contributions to the Ironstone Restoration Fund from ironstone operators) shall be twopence farthing instead of one penny and one eighth per ton:

Provided that this subsection shall not apply—

- (a) to ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease ; or
- (b) to ironstone in respect of which an order under section seven of the said Act of 1951 (which relates to charitable trusts) was in force immediately before the commencement of this Act,

and the Minister may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, direct that, as from the date of the order or such earlier date as may be specified in the order, this subsection shall not apply to such other ironstone as may be so specified, being ironstone an interest in which is held on the date of the order on charitable trusts or for charitable purposes.

- (2) Where in accordance with the preceding subsection contributions at the rate of twopence farthing per ton are payable by a lessee under a mining lease or by the person granted a right to work minerals by an order under Part I of the Mines (Working Facilities and Support) Act, 1923, a sum, computed in accordance with the provisions of the Third Schedule to the said Act of 1951, may, notwithstanding anything in the lease or order, be deducted in accordance with the provisions of that Schedule from payments by the lessee under the lease or by that person under the order, or may be otherwise recovered in accordance with those provisions by the lessee or by that person:

Provided that this subsection shall not apply to any mining lease made after the fifteenth day of February and before the first day of August, nineteen hundred and fifty-one, which contained a provision expressly excluding the operation of paragraph (b) of subsection (2) of section six of the said Act of 1951 (which conferred on lessees rights corresponding with those conferred by this subsection).

- (3) Section five of the Mineral Workings Act, 1951 (which provides for contributions from ironstone owners by reference to payments falling to be made under section fifty-eight of the principal Act) and section six of that Act shall cease to have effect.

## **57 Recovery, on subsequent development, of payments under s. 59 of principal Act**

- (1) Where a payment under section fifty-nine of the principal Act (other than a payment not exceeding twenty pounds) has become payable in respect of an interest in land, or becomes so payable after the commencement of this Act, the Central Land Board shall cause notice of the payment, specifying the amount of the payment and the land to which it relates, to be deposited with the council of the county borough or county district in which the land is situated and, if that council is not the local planning authority, with the local planning authority:

Provided that—

- (a) the preceding provisions of this subsection shall not apply to any amount which is recoverable under subsection (7) of section fifty-two of this Act or which would be so recoverable but for the provisions of paragraph (a) of the proviso to that subsection;
  - (b) if a development charge was determined to be payable in respect of the land to which the payment related or relates (in this proviso referred to as " the payment area " ), or in respect of land which included the payment area, the preceding provisions of this subsection shall not apply to that payment; and
  - (c) if a development charge was determined to be payable in respect of part of the payment area, or in respect of land which included part (but not the whole) of that area, the preceding provisions of this subsection shall apply as if separate payments of so much of the amount aforesaid as is respectively attributable thereto had been payable in respect of that part of the payment area and the remainder of that area.
- (2) Notices deposited under this section shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.
- (3) Section twenty-nine of this Act, except subsection (9) thereof, shall have effect in relation to notices registered under this section as it has effect in relation to notices registered under section twenty-eight of this Act :

Provided that—

- (a) the said section twenty-nine shall apply for the purposes of this section with the substitution for references, to the compensation specified in a notice of references to the payment so specified, and as if that section applied to every description of new development; and
  - (b) no amount shall be recoverable by the Minister under the said section twenty-nine as applied by this subsection in relation to any land in relation to which an amount has become recoverable by the Central Land Board under subsection (7) of section fifty-two of this Act.
- (4) For the purposes of this Part of this Act a payment under section fifty-nine of the principal Act 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 the said section fifty-nine, 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 as between different parts of that land.

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- (5) References in this section to the amount of a payment under section fifty-nine of the principal Act shall be construed as including any interest payable thereon under subsection (3) of section sixty-five of that Act.

## **58 Provisions as to monopoly value of licensed premises**

- (1) The provisions of this section shall have effect where it is certified by the Commissioners of Customs and Excise (in this section referred to as " the Commissioners ")—
- (a) that on the grant, or provisional grant, of a justices' on-licence to which this section applies a payment was imposed by reference to monopoly value, as mentioned in subsection (1) of section fourteen of the Licensing (Consolidation) Act, 1910 (in this section referred to as " the monopoly payment "); and
  - (b) that in assessing that payment account was taken of the effect of Part VII of the principal Act, and in consequence thereof the payment was increased by an amount specified in the certificate (in this section referred to as " the certified amount"),
- and it is certified by the Central Land Board that no development charge has been determined by the Board to be payable in respect of the erection or use of the premises to which the licence related.
- (2) This section applies to any justices' on-licence granted, or provisionally granted, after the first day of July, nineteen hundred and forty-eight, and before the eighteenth day of November, nineteen hundred and fifty-two.
- (3) Any certificate issued by the Central Land Board under this section shall state whether, before the eighteenth day of November, nineteen hundred and fifty-two, operations for the erection of the premises to which the licence related were begun, or the use of those premises in pursuance of the licence was instituted, in such circumstances that a development charge could have been determined to be payable in respect thereof if the circumstances referred to in paragraphs (a) and (b) of subsection (1) of this section had not existed.
- (4) If it is certified by the Central Land Board that a development charge could have been determined as mentioned in the last preceding subsection, the provisions of Part I of this Act shall apply as if the person who paid the monopoly payment, or, if that payment was not paid in full in the first instance, the person who paid the first instalment thereof, had incurred a development charge in respect of the land on which the operations were begun, or the use instituted, as mentioned in the last preceding subsection, and the amount of the charge had been the certified amount:

Provided that—

- (a) any payment falling to be made by virtue of this subsection shall be made by the Commissioners instead of by the Board ; and
  - (b) subsections (2) and (3) of section fourteen of this Act shall not apply to payments falling to be made by virtue of this subsection.
- (5) Where, apart from this subsection, a payment (in this subsection referred to as " the special payment ") would be payable by virtue of the last preceding subsection, then, unless the monopoly payment has been paid in full, the Commissioners shall not pay the special payment to the person entitled thereto, but—

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- (a) if the monopoly payment was payable by instalments, the amount payable in respect of each instalment shall be reduced rateably so that the total reduction is equal to the principal amount of the special payment, and, if one or more instalments have been paid, the Commissioners shall repay so much thereof as by reason of the reduction ought not to have been paid, together with interest on the amount so repaid at the rate of three and one-half per cent. per annum from the first day of July, nineteen hundred and forty-eight, to the date of repayment or to the thirtieth day of June, nineteen hundred and fifty-five, whichever is the earlier ;
  - (b) if the monopoly payment was not payable by instalments and has not been paid, it shall be reduced by the principal amount of the special payment.
- (6) Where the Central Land Board are satisfied that (apart from the last preceding subsection) a person would have been entitled to a payment by virtue of subsection (4) of this section if he had applied for it within the period prescribed in that behalf, and he has failed to apply for the payment within that period or within any extended period allowed for applying for it, the Board may determine the principal amount of the payment to which he would have been so entitled ; and the last preceding subsection shall apply as if that person had become entitled to the payment and the principal amount thereof had been the principal amount determined under this subsection.
- (7) Section fifteen of this Act shall apply as respects the principal amount of a payment determined under the last preceding subsection as it applies (by virtue of paragraph (c) of subsection (4) thereof) as respects the principal amount of a payment determined under subsection (3) of section fourteen of this Act.
- (8) If it is certified by the Board that a development charge could not have been determined as mentioned in subsection (3) of this section, then—
- (a) if the monopoly payment has been paid in full, the Commissioners shall repay a sum equal to the certified amount;
  - (b) if the monopoly payment was payable by instalments, the amount payable in respect of each instalment shall be reduced rateably so that the total reduction is equal to the certified amount, and, if one or more instalments have been paid, the Commissioners shall repay so much thereof as by reason of the reduction ought not to have been paid;
  - (c) if the monopoly payment was not payable by instalments and has not been paid, it shall be reduced by the certified amount.

## **59 Applications for permission for industrial development**

- (1) Where, after the commencement of this Act, an application is made to a local planning authority for permission to develop land by the erection thereon of an industrial building, being an application which would, apart from this section, be of no effect by virtue of subsection (4) of section fourteen of the principal Act (which provides that certain applications for such permission shall be of no effect unless it is certified by the Board of Trade that the development in question can be carried out consistently with the proper distribution of industry), the local planning authority shall consider whether, if the requirements of the said subsection (4) had been satisfied, they would nevertheless have refused the permission sought by the application either as respects the whole or as respects part of the land to which the application relates; and if they are of opinion that they would so have refused that permission, they shall serve on the applicant a notice in writing to that effect.

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- (2) Where a notice has been served under the preceding subsection as respects the whole or part of any land, the provisions of this Act and of sections nineteen and twenty of the principal Act, and, where by virtue of the preceding provisions of this subsection a direction has been given under subsection (3) of section twenty-three of this Act, the other provisions of the principal Act, shall have effect as respects that land or that part thereof as if the application had been of effect and permission had been refused.

## **60 Dispositions of claims under Part VI of principal Act**

- (1) An assignment of the benefit, or part of the benefit, of an established claim shall be of no effect if—
- (a) it is made after the commencement of this Act; or
  - (b) it requires the approval of the Central Land Board under subsection (2) of section two of the Act of 1953, and no application for that approval was made before the commencement of this Act.
- (2) Subject to the preceding subsection, an assignment of the benefit, or part of the benefit, of an established claim, if approved by the Central Land Board under subsection (2) of section two of the Act of 1953, whether before or after the commencement of this Act, shall be deemed to have had effect as from the date on which the assignment was made.
- (3) Subsection (2) of section sixty-four of the principal Act (which provides that the right to receive a payment under Part VI of that Act shall be transmissible by assignment or by operation of law) shall be deemed always to have had effect in relation to the disposition by will of such a right as is mentioned in that subsection as it has effect in relation to the transmission of such a right by operation of law:

Provided that a disposition of such a right by the will of a testator dying after the commencement of this Act shall be of no effect.

## **61 Crown land**

- (1) In this section, the expression " Crown interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department ; the expression " Duchy interest " means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and the expression " private interest " means an interest which is neither a Crown interest nor a Duchy interest.
- (2) Subject to the following provisions of this section—
- (a) where there is a Crown interest in any land, the provisions of this Act, other than this section, shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest; and
  - (b) where there is a Duchy interest in any land, the said provisions shall have effect in relation to that interest, and to any private interest, as if the Duchy interest were a private interest.
- (3) Where, in the case of a compulsory acquisition to which Part III of this Act applies, planning permission was granted before the date of service of the notice to treat, and the person who at that date is entitled to the interest in land to which the acquisition relates is, or derives title from a person who was, entitled thereto under a disposition which—
- (a) took effect after the grant of the planning permission; and



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- (b) was a disposition of a Crown interest or a Duchy interest, or a disposition creating an interest immediately out of a Crown interest or a Duchy interest, then, notwithstanding subsection (4) of section fifty-one of the principal Act, that permission shall not be disregarded in assessing the compensation payable in respect of the acquisition.
- (4) References in this Act to claims established under Part VI of the principal Act include references to claims so established in accordance with arrangements made under subsection (2) of section eighty-eight of the principal Act (which relates to interests belonging to the Duchies of Lancaster and Cornwall); references to development charges include references to sums determined in accordance with such arrangements to be appropriate in substitution for development charges; and references to the amount of an established claim or of a development charge shall be construed accordingly.
- (5) The provisions of this Act shall have effect in relation to the withholding, or the giving subject to conditions, of any approval of a local planning authority required in respect of any development of land in which there is a Duchy interest, being approval required in accordance with an agreement under subsection (1) of section eighty-eight of the principal Act (which provides for agreements for securing the use of Crown land in conformity with development plans), as if the withholding of the approval, or the giving thereof subject to conditions, were a refusal of planning permission, or a grant of planning permission subject to conditions, as the case may be.
- (6) An order under section fifty-five of this Act shall not be made in respect of a mining lease where the interest of the lessor is a Duchy interest unless—
- (a) the lease relates to land in respect of which arrangements under subsection (2) of section eighty-eight of the principal Act are in force; and
  - (b) the order is made with the consent of the appropriate authority as defined by section eighty-seven of that Act.

## **62 Application of Act to London, and to Isles of Scilly**

- (1) In relation to land in the administrative county of London, other than land in the City of London, the provisions of this Act, other than this section, shall have effect as if references to the county borough or county district, or to the council thereof, were references respectively to that county and to the London County Council.
- (2) In relation to land in the City of London, those provisions shall have effect as if references to the county borough or county district, or to the council thereof, were references respectively to the City of London and to the Common Council of the City.
- (3) In relation to land in the Isles of Scilly, those provisions shall have effect as if the Isles were a county district, and the council of the Isles were the council of that district.

## **63 Dissolution of Central Land Board**

- (1) Her Majesty may by Order in Council provide for the winding up and dissolution of the Central Land Board and for the transfer to the Minister of any of the functions of the Board exercisable in England or Wales which at such date as may be specified in the Order have not been fully performed.
- (2) An Order in Council under this section may contain such incidental, consequential and supplementary provisions as may appear to Her Majesty to be expedient for the purposes of the Order.

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- (3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.
- (4) On the dissolution of the Central Land Board by an Order in Council under this section, sections two and three of the principal Act (which relate to that Board) shall cease to have effect.

#### **64 General financial provisions**

- (1) The Treasury may issue to the Minister and to the Central Land Board out of the Consolidated Fund such sums as are necessary to enable the Minister and the Board respectively to make any payments becoming payable by him or them under any provision of Part I or V of this Act.
- (2) For the purpose of providing sums to be issued under the preceding subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.
- (3) The provisions of this subsection shall have effect as to the repayment of sums issued under subsection (1) of this section, that is to say—
  - (a) the aggregate of the sums so issued in any financial year, whether to the Minister or to the Central Land Board, shall be repaid by the Minister into the Exchequer, as mentioned in the next following paragraph, with interest thereon at such rate as the Treasury may determine, the said interest accruing, as respects the whole aggregate, from such date in the financial year in which the sums are issued as the Treasury may determine;
  - (b) the said aggregate shall be repaid by twenty equal annual instalments, of principal and interest combined, falling due on the anniversary of the date determined under the preceding paragraph, the first such instalment falling due in the financial year next following the financial year in which the sums in question were issued ;
  - (c) subject to the next following subsection, any instalment to be paid into the Exchequer under the last preceding paragraph shall be paid out of moneys provided by Parliament.
- (4) Any sums received by the Minister or by the Central Land Board—
  - (a) by virtue of subsection (4) of section forty-six of this Act;
  - (b) under subsections (1) to (5) of section fifty-two of this Act; or
  - (c) under subsection (6) of the said section fifty-two, or under that subsection as applied by regulations made under subsection (8) of that section, not being in either case sums recovered by reference to compensation payable under Part II of this Act or to compensation to which Part IV of this Act applies,
 shall be paid into the Exchequer, and shall be treated as paid in satisfaction, or part satisfaction, of such one or more instalments payable under the last preceding subsection as the Treasury may determine.

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- (5) All sums paid into the Exchequer under the two last preceding subsections shall be issued, out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows:—
- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;
  - (b) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this paragraph, have fallen to be paid out of the permanent annual charge for the National Debt.
- (6) The Minister and the Central Land Board shall each prepare, in respect of each financial year, in such form and manner and at such times as the Treasury may direct, an account of the sums issued to them respectively out of the Consolidated Fund under subsection (1) of this section, and of any such sums received by them respectively as are mentioned in subsection (4) of this section.
- (7) On or before the thirtieth day of November in each year, the Minister and the Central Land Board shall transmit to the Comptroller and Auditor General the account prepared by him or them under the last preceding subsection in respect of the last preceding financial year, and the Comptroller and Auditor General shall examine and certify each such account and lay before each House of Parliament copies thereof, together with his report thereon.
- (8) There shall be paid out of moneys provided by Parliament—
- (a) any sums necessary to enable the Minister to make any payment becoming payable by him under any provision of Part II or IV of this Act;
  - (b) any administrative expenses of the Minister under this Act;
  - (c) to such extent as may be sanctioned by the Treasury, any administrative expenses incurred for the purposes of this Act by the Central Land Board with the approval of the Minister ;
  - (d) any sum falling to be paid by the Central Land Board under subsection (2) of section fifty-four of this Act;
  - (e) any sum falling to be paid by the Commissioners of Customs and Excise by virtue of section fifty-eight of this Act;
  - (f) any increase attributable to the provisions of this Act in the sums which under any other enactment are payable out of moneys so provided.
- (9) Subject to the preceding provisions of this section, and to the provisions of section forty-one of this Act, any receipts of the Minister or the Central Land Board under any provision of this Act other than this section shall be paid into the Exchequer.
- (10) As soon as practicable after—
- (a) the expiration of a period of five years commencing with the date of commencement of this Act; or
  - (b) the expiration of the financial year in which the aggregate of all payments made by the Minister under Parts II and IV of this Act reaches thirty million pounds,
- whichever is the earlier, the Minister shall lay before Parliament a report with respect to those payments and to any sums received by him under this Act other than such sums as are mentioned in subsection (4) of this section.

## **65 General provisions as to calculation of value**

- (1) In calculating value for any of the purposes of this Act—
- (a) Rules (2) to (4) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply with the necessary modifications;
  - (b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to the mortgage:

Provided that Rule (3) of those Rules shall not apply for the purposes of the Fourth Schedule to this Act, and paragraph (b) of this subsection shall not apply for the purposes of subsection (2) of section six of this Act.

- (2) Where, for the purposes of any of the provisions of this Act, a value falls to be calculated by reference to the duration of a tenancy, and by reason of any option or other contractual right with respect to the determination, renewal or continuance of the tenancy, the date of expiration of the tenancy is not ascertainable with certainty, that date shall be taken to be such as appears reasonable and probable having regard to the interests of the party by whom the option is exercisable, or in whose favour the right operates, and to any other material considerations subsisting at the time when the calculation of the value falls to be made.

## **66 Provisions as to mortgages, settlements, ecclesiastical property, etc.**

- (1) Regulations made under this section may make provision as to the exercise of the right to apply for a payment under Part I of this Act, or to claim compensation under Part II or Part V thereof, and as to the person to whom any such payment or compensation or any part thereof is to be paid and as to the application of any such payment or compensation or any part thereof, in cases where, apart from this section, the right to apply for the payment, or to claim the compensation, as the case may be, is exercisable by reference to—
- (a) a claim holding which is subject to a mortgage, or which was so subject at a time specified in the regulations ; or
  - (b) an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or which was so subject at a time specified in the regulations;

and any such regulations may, in a case where any payment or compensation, or any part thereof, is by virtue of those regulations to be paid to the owner of a rentcharge, apply all or any of the provisions of section twenty-five of the War Damage Act, 1943 (which relates to the rights of owners of rentcharges as to payments for war damage), subject to such adaptations and modifications as may be prescribed by the regulations, and may provide for disputes arising under the regulations, so far as they relate to rentcharges, to be referred to the Lands Tribunal for determination by that Tribunal.

- (2) The purposes authorised for the application of capital moneys—
- (a) by section seventy-three of the Settled Land Act, 1925, and by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale; and
  - (b) by section twenty-six of the Universities and College Estates Act, 1925, and the purposes authorised by section seventy-one of the Settled Land Act, 1925, by that section as applied as aforesaid, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage,

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shall include the payment of any sum recoverable under section twenty-nine, forty-one, forty-six or fifty-seven of this Act.

- (3) Any sum payable under this Act in relation to land which is, or on the first day of July, nineteen hundred and forty-eight, was, ecclesiastical property, being a sum which apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale; and where any sum is recoverable under section twenty-nine, forty-one, forty-six or fifty-seven of this Act in respect of such land, the Church Commissioners may apply any money or securities held by them in the payment of that sum.

## **67 Application of miscellaneous provisions of principal Act**

- (1) Subsections (3) and (4) of section three of the principal Act (which relate to the functions of the Central Land Board) shall have effect in relation to this Act as they have effect in relation to the principal Act.
- (2) Subsection (1) of section one hundred and three of the principal Act, in so far as it confers powers of entry on land, shall have effect as if (in addition to the powers so conferred) it conferred power on any person, being an officer of the Valuation Office or a person duly authorised in writing by the Minister, to enter upon any land at any reasonable time for the purpose of surveying it, or estimating its value, in connection with—
  - (a) an application for a payment under Part I of this Act in respect of that land or any other land ; or
  - (b) a claim for compensation under Part II or Part V of this Act in respect of that land or any other land,and subsections (4) to (7) and subsection (9) of that section shall have effect accordingly.
- (3) Section one hundred and five of the principal Act (which relates to the service of notices) shall apply for the purposes of this Act.
- (4) Section ninety-two and subsection (2) of section one hundred and nineteen of the principal Act (which relate to the determination of questions as to special classes of land) shall apply, for the purposes of this Act, for the determination of any question whether land is land of a class specified in the Sixth Schedule to this Act as they apply for the determination of questions as to classes of land for the purposes of the principal Act.
- (5) Section one hundred and four of the principal Act (which authorises the Minister to hold local inquiries for the purposes of that Act) shall apply for the purposes of this Act.

## **68 Provisions as to regulations**

- (1) The Minister may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

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- (3) Any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are to be of no effect unless approved by resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 69 Interpretation

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" the Act of 1953 " means the Town and Country Planning Act, 1953;

" claim holding " has the meaning assigned to it by section two of this Act;

" compensation calculated on the basis of equivalent reinstatement " means compensation calculated in accordance with Rule (5) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919;

" compensation calculated on the basis of prevailing use " means compensation with respect to the calculation of which any of the following provisions of the principal Act applies, that is to say, subsection (5) of section eighty-two, subsection (4) of section eighty-four, the said subsection (4) as applied by regulations made under section ninety, or subsection (4) of section eighty-five;

" compensation on the basis of existing use " means compensation with respect to the assessment of which the following provisions apply, that is to say, the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified by sections fifty-one, fifty-three and fifty-four of the principal Act, not being compensation calculated on the basis of equivalent reinstatement or on the basis of prevailing use, and excluding any compensation for disturbance or for severance or injurious affection;

" compulsory acquisition " does not include the vesting in a person by an Act of Parliament of property previously vested in some other person ;

" established claim " and " claim area " have the meanings assigned to them by section one of this Act;

" in the same capacity," in relation to entitlement both to a claim holding and to an interest in land, means entitled in one only of the following capacities, that is to say, beneficially, or as trustee of one particular trust, or as personal representative of one particular person;

" interest in land " means only an interest in fee simple or a tenancy;

" the Minister " (subject to subsection (8) of this section) means the Minister of Housing and Local Government;

" new development " has the meaning assigned to it by section sixteen of this Act;

" planning decision " has the meaning assigned to it by section sixteen of this Act;

" prescribed " means prescribed by regulations under this Act;

" previous apportionment " in relation to an apportionment for any of the purposes of this Act means an apportionment made before the apportionment in question, being—

- (a) an apportionment for any of the purposes of this Act as made, confirmed or varied by the Lands Tribunal on a reference thereto ; or

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- (b) an apportionment for any of the purposes of this Act which might have been referred to the Lands Tribunal by virtue of any provision of this Act but in the case of which the time for such a reference has expired without its being so required to be so referred, or which was so referred but in the case of which the reference was withdrawn before the Tribunal gave their decision thereon ; or
- (c) an apportionment made by or with the approval of the Central Land Board in connection with the approval by the Board of an assignment of part of the benefit of an established claim under subsection (2) of section two of the Act of 1953 ;

" principal Act " means the Town and Country Planning Act, 1947;

" public authority possessing compulsory purchase powers ", in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition, and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected, or a parish council or parish meeting on whose behalf a county council could be or have been authorised as aforesaid ;

" rentcharge " includes any annual sum charged on land, not being rent incident to a reversion;

" royalty ", " full restoring lease " and " ironstone district " have the meanings assigned to them by the Mineral Workings Act, 1951;

" tenancy " means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease, or by a tenancy agreement, or in pursuance of any enactment, but does not include a mortgage term or any interest arising in favour of a mortgagor by his attorning tenant to his mortgagee, and references to the granting of a tenancy shall be construed accordingly;

" unexpended balance of established development value " means an amount ascertained in accordance with sections seventeen and eighteen, and " original unexpended balance of established development value " has the meaning assigned to it by section seventeen, of this Act;

" valuable consideration " does not include marriage or a nominal consideration ;

" will " includes a codicil.

- (2) Subject to the preceding subsection and except where the context otherwise requires, expressions used in this Act and in the principal Act have the same meanings in this Act as in that Act.
- (3) As respects references in this Act to planning decisions—
  - (a) in relation to a decision altered on appeal by the reversal or variation of the whole or any part thereof, such references shall be construed as references to the decision as so altered.;
  - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal;
  - (c) in relation to a decision given on an appeal made by virtue of subsection (3) of section sixteen of the principal Act in default of a decision by the local

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- planning authority, such references shall be construed as references to the decision so given ;
- (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority, whether or not that decision is or was altered as aforesaid on that appeal, or, in the case of such a decision as is mentioned in the last preceding paragraph, the time when by virtue of subsection (3) of section sixteen of the principal Act notification of a decision by the local planning authority is deemed to have been given.
- (4) References in this Act to the local planning authority, in relation—
- (a) to a planning decision made on behalf of that authority by another authority, by virtue of the delegation of any functions of the local planning authority to that other authority; or
- (b) to compensation payable under section twenty-two of the principal Act by another authority, by virtue of the transfer to that other authority of any liability of the local planning authority,
- shall be construed as references to that other authority.
- (5) For the purposes of this Act a development charge—
- (a) shall be deemed not to have been determined if the determination thereof ceased to have effect by virtue of subsection (2) of section seventy-three of the principal Act, or if, by virtue of subsection (1) of section one of the Act of 1953, the charge is not payable, or if any sum paid in respect of the charge became repayable under subsection (5) of section one of the Act of 1953 ;
- (b) shall be deemed to have become payable notwithstanding any agreement of the Central Land Board to a postponement of the payment of the charge, if the whole or part of the charge would have been payable but for that agreement; and references in this Act to a determination of the Central Land Board that a development charge was payable, or as to the amount of a development charge, shall, in a case where the Board subsequently varied their determination, be construed as references to that determination as so varied.
- (6) References in this Act to a contract are references to a contract in writing, or a contract attested by a memorandum or note thereof in writing signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references to the conveyance or assignment; references to an option are references to an option in writing or attested as aforesaid; and references to the making of a contract or to the grant of an option are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.
- (7) References in this Act—
- (a) to a person from whom title is derived by another person include references to any predecessor in title of that other person;
- (b) to a person deriving title from another person include references to any successor in title of that other person ;
- (c) to deriving title are references to deriving title either directly or indirectly.
- (8) References in this Act to the Minister, in relation to any time before the third day of November, nineteen hundred and fifty-one, but on or after the thirtieth day of January, nineteen hundred and fifty-one, shall be construed as references to the Minister of Local Government and Planning, and, in relation to any time before the said thirtieth



day of January, shall be construed as references to the Minister of Town and Country Planning.

- (9) References in this Act to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

## **70 Amendment of s. 19 of principal Act**

- (1) In section nineteen of the principal Act (which imposes on a local authority an obligation to purchase land in certain circumstances) after subsection (2) there shall be inserted the following new subsection, that is to say—

“(2A) In considering, for the purposes of the last foregoing subsection, whether or not the use of land in any particular state is or would be reasonably beneficial, the Minister shall not take account of the possibility of any development, whether of that or any other land, of any class not specified in the Third Schedule to this Act.”

- (2) The preceding subsection shall be deemed to have come into operation on the eighteenth day of November, nineteen hundred and fifty-two:

Provided that nothing in this section shall affect the validity of anything done in consequence of a purchase notice served before the commencement of this Act.

## **71 Minor and consequential amendments, and repeals**

- (1) Subject to the provisions of this section, the enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the provisions of this Act.
- (2) Subject to the provisions of this section, the enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (3) The amendment by virtue of this section of the Third Schedule to the Mineral Workings Act, 1951, shall not affect any right or liability which by virtue of section six of that Act and the said Third Schedule was subsisting immediately before the commencement of this Act.
- (4) The amendment by virtue of this section of the Third Schedule to the principal Act shall not have effect for the purposes of the following provisions of that Act, that is to say section fifty-four (which relates to the assessment of compensation for the compulsory acquisition of requisitioned land), section sixty-one (which relates to the ascertainment of development values), section sixty-nine (which relates to development charges) and subsection (1) of section eighty-nine (which relates to the calculation of the development value of requisitioned land).
- (5) As respects amendments and repeals relating to sections ninety-four and ninety-five of the principal Act, the provisions of this section shall have effect subject to section fifty-one of this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The repeal by virtue of this section of the proviso to subsection (1) of section twenty-two of the principal Act shall not affect compensation in respect of any order made under section twenty-one of that Act before the commencement of this Act.
- (7) References in any local Act to Part II of the Town and Country Planning Act, 1944, or to Part V of the principal Act shall be construed in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a notice to treat served after the commencement of this Act as including a reference to Part III of this Act:

Provided that nothing in any such Act shall, by virtue of this subsection, be construed as excluding the application of the said Part III in relation to compensation payable in respect of any compulsory acquisition of land.

## **72 Short title, citation, commencement and extent**

- (1) This Act may be cited as the Town and Country Planning Act, 1954, and the Town and Country Planning Acts, 1947 and 1951, the Town and Country Planning Act, 1953, in its application to England and Wales, and this Act, may be cited together as the Town and Country Planning Acts, 1947 to 1954.
- (2) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act; and if different days are so appointed, references in any provision of this Act to the commencement of this Act shall be construed as references to the time at which that provision comes into operation.
- (3) Any order made under the last preceding subsection shall be made by statutory instrument and may, at any time before the day appointed thereby, be revoked or varied by a subsequent order under that subsection.
- (4) This Act, except section sixty-three thereof, shall not extend to Scotland.
- (5) This Act shall not extend to Northern Ireland.