



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART VI

GENERAL, FINANCIAL AND SUPPLEMENTARY

Supplementary Provisions

107 Supplementary provisions as to compensation under ss. 20, 46 and 70.

- (1) The following provisions shall have effect as to compensation under section twenty of this Act, under that section as applied by section twenty-one thereof . . . ^{F1} and under section seventy thereof.
- (2) Any dispute arising on a claim for any such compensation shall be determined by the [^{F2}Upper Tribunal].
- (3) For the purposes of any reference to the [^{F3}Upper Tribunal] under the last foregoing subsection, [^{F4}section 4 of the ^{M1}Land Compensation Act 1961][^{F5}section 5 of the ^{M2}Land Compensation (Scotland) Act 1963] (which relates to costs) shall have effect with the substitution, for references to the acquiring authority, of references to the authority from whom the compensation in question is claimed.
- (4) Rules 2 to 4 of the Rules set out in [^{F4}section 5 of the said Act of 1961][^{F5}section 12 of the said Act of 1963] (which provides rules for valuation on a compulsory acquisition) shall apply to the calculation of any such compensation, in so far as it is calculated by reference to the depreciation of the value of an interest in land.
- (5) In the case of an interest in land subject to a mortgage—
 - (a) any such compensation in respect of the depreciation of that interest shall be calculated as if the interest were not subject to the mortgage;
 - (b) a claim or application for the payment of any such compensation, or an application for the recording of a claim in respect of the interest under

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 107. (See end of Document for details)

subsection (1) of section seventy-two of this Act, may be made by any person who when the byelaws or order giving rise to the compensation were or was made was the mortgagee of the interest, or by any person claiming under such a person, but without prejudice to the making of a claim or application by any other person;

- (c) a mortgagee shall not be entitled to any such compensation in respect of his interest as such; and
 - (d) any compensation payable in respect of the interest subject to the mortgage shall be paid to the mortgagee, or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.
- (6) This section shall apply to Scotland—
- (a) with the substitution for any reference to the ^{F6}Upper Tribunal] of a reference to the Lands Tribunal for Scotland; and
 - (b) with the substitution respectively for any reference to a mortgage, to a mortgagee, and to the first mortgagee, of a reference to a heritable security, to the creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land:

Provided that until sections one to three of the ^{M3}Lands Tribunal Act 1949, come into force as respects Scotland the expression “the Lands Tribunal for Scotland” in subsection (2) of this section shall be construed as meaning an official arbiter appointed under ^{F5}the ^{M4}Land Compensation (Scotland) Act 1963], and the following provisions of the said ^{F5}Act of 1963] that is to say, ^{F5}section 3] thereof (which relates to procedure), ^{F5}section 5] thereof (which relates to costs) . . . ^{F7} but with the substitution for references to the acquiring authority of references to the authority from whom the compensation in question is claimed, and ^{F5}subsection (9) of section 3] thereof (which relates to the statement of special cases) as modified by section ten of the said Act of 1949, shall apply for the purposes of the arbitration.

Textual Amendments

- F1** Words repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#) and [London Government Act 1963 \(c. 33, SIF 81:1\)](#), [Sch. 6 para. 70](#)
- F2** Words in s. 107(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 19\(a\)](#) (with Sch. 5)
- F3** Words in s. 107(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 19\(a\)](#) (with Sch. 5)
- F4** Words substituted (E.W.) by virtue of [Land Compensation Act 1961 \(c. 33, SIF 28:1\)](#), [s. 40\(1\)](#)
- F5** Words substituted (S.) by virtue of [Land Compensation \(Scotland\) Act 1963 \(c. 51, SIF 28:2\)](#), [s. 47\(1\)](#)
- F6** Words in s. 107(6)(a) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 19\(b\)](#) (with Sch. 5)
- F7** Words spent

Modifications etc. (not altering text)

- C1** S. 107 applied (30.1.2001) by [1981 c. 69, s. 28R\(2\)\(b\)](#) (as substituted (30.1.2001) by [2000 c. 37, ss. 75\(1\), 103\(2\)](#), [Sch. 9 para. 1](#))

Marginal Citations

- M1** [1961 c. 33.](#)
- M2** [1963 c. 51.](#)

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 107. (See end of Document for details)

M3 1949 c. 42.

M4 1963 c. 51.

Changes to legislation:

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 107.