
STATUTORY INSTRUMENTS

1998 No. 84

**The Urban Development Corporations in
England (Planning Functions) Order 1998**

Liability for compensation in connection with planning functions; section 106 planning obligations

4.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 of the 1990 Act(1) or section 28 or 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) in consequence of action taken in relation to land within a development area by a Corporation, that Corporation shall be liable for any compensation which is payable(3).

(2) Where, on or after the date of the coming into force of this Order, the Secretary of State makes an order or serves a notice, as the case may be, under section 100, 104, 185 or 202 of, or paragraph 11 of Schedule 9 to, the 1990 Act(4) in respect of a matter arising before that date, which relates to land within a development area, the Secretary of State shall be liable to pay any compensation arising from the order or notice.

(3) A planning obligation entered into by agreement or otherwise under section 106 of the 1990 Act(5) before the date of the coming into force of this Order which identifies the Corporation as the local planning authority by whom the obligation is enforceable shall after that date be enforceable by the authority.

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- (1) Section 107 was amended by paragraph 8 of Schedule 1 and paragraph 13 of Schedule 6 to the Planning and Compensation Act 1991 (c. 34); section 108 was amended by section 13(4) of that Act; and section 186 was amended by sections 9(3) and 84(6) of, and paragraph 29 of Schedule 7 and Part I of Schedule 19 to, that Act.
- (2) 1990 c. 9.
- (3) The residual property, rights and liabilities of the Corporation are to be transferred to the Commission for the New Towns by an order made under section 165B of the 1980 Act which is intended to come into force on 1st April 1998. Section 165B was inserted by section 143 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53).
- (4) Section 100 was amended by paragraph 5 of Schedule 1 to the Planning and Compensation Act 1991.
- (5) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991.