

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: The principal Act. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

#### PLANNING COMPENSATION REPEALS: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The principal Act*

8 The principal Act is amended as follows.

##### **Commencement Information**

**I1** Sch. 6 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

9 In section 55 (meaning of development) subsection (6) (meaning of new development) is omitted.

##### **Commencement Information**

**I2** Sch. 6 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

10 In section 56(5) (time when development begun) for paragraph (b) there is substituted—  
“(b) development of a class specified in paragraph 1 or 2 of Schedule 3;”.

##### **Commencement Information**

**I3** Sch. 6 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

11 Sections 80 and 81 (review of planning decisions where compensation claimed under Part V) are omitted.

##### **Modifications etc. (not altering text)**

**C1** Sch. 6 para. 11 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 2(1)

##### **Commencement Information**

**I4** Sch. 6 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

12 In section 90(3) (development with Government authorisation) for “Parts V and” there is substituted “Part”.

##### **Modifications etc. (not altering text)**

**C2** Sch. 6 para. 12 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 2(1)

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**I5** Sch. 6 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 13 (1) In section 107(4) (compensation where planning permission revoked or modified) for “for any development of the land of any class specified in Schedule 3” there is substituted “—
- (a) subject to the condition set out in Schedule 10, for any development of the land of a class specified in paragraph 1 of Schedule 3;
  - (b) for any development of a class specified in paragraph 2 of Schedule 3.”
- (2) This paragraph shall have effect, or be treated as having had effect, in relation to claims made on or after 16th November 1990.

**Commencement Information**

**I6** Sch. 6 para. 13 in force at 25. 07. 1991 see s 84(4).

- 14 In section 109(6) (apportionment of compensation for depreciation) for “in sections 110 and 113” there is substituted “ section 110 ”.

**Modifications etc. (not altering text)**

**C3** Sch. 6 para. 14 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 2(2)

**Commencement Information**

**I7** Sch. 6 para. 14 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 15 In section 111 (recovery of compensation under section 107 on subsequent development)—
- (a) in subsections (1) and (2) “new”, in both places where it occurs, is omitted;
  - (b) in subsection (2) for “and (4)” there is substituted “ to (5) ”; and
  - (c) for subsection (5) there is substituted—
    - “(5) This section does not apply to any development—
    - (a) of a class specified in paragraph 1 of Schedule 3 which is carried out in accordance with the condition set out in Schedule 10; or
    - (b) of a class specified in paragraph 2 of Schedule 3.”

**Commencement Information**

**I8** Sch. 6 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 16 In section 112 (amount recoverable under section 111 and provisions for payment or remission of it) the following are omitted—
- (a) in subsection (9), “new”;
  - (b) in subsection (12), paragraph (a); and
  - (c) in subsection (13), “paragraph (a) or paragraph (b) of”.

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**Commencement Information**

**I9** Sch. 6 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 17 Section 113 (contribution of Secretary of State where compensation could have been claimed under Part V) is omitted.

**Modifications etc. (not altering text)**

**C4** Sch. 6 para. 17 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 2(2)

**Commencement Information**

**I10** Sch. 6 para. 17 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 18 In section 138(2)(a) (circumstances in which land incapable of reasonably beneficial use) for “new development,” there is substituted “ development other than any development specified in paragraph 1 or 2 of Schedule 3; ”.

**Commencement Information**

**I11** Sch. 6 para. 18 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 19 In section 144 (special provisions as to compensation where purchase notice served)
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- (a) in subsection (2)(b), for “existing use value” there is substituted “ Schedule 3 value ”; and
- (b) in subsection (6), for the definition of “existing use value” there is substituted—

““Schedule 3 value”, in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—

- (a) subject to the condition in Schedule 10, for any development of a class specified in paragraph 1 of Schedule 3; and
- (b) for any development of a class specified in paragraph 2 of Schedule 3.”

**Commencement Information**

**I12** Sch. 6 para. 19 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 20 In section 198(4)(a) (tree preservation orders) “80, 81” is omitted.

**Commencement Information**

**I13** Sch. 6 para. 20 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 21 In section 220(3)(a) (advertisement regulations) “80, 81” is omitted.

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**Commencement Information**

**I14** Sch. 6 para. 21 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

22 In section 262(4) and (7)(a) (meaning of “statutory undertakers”) “123” is omitted.

**Commencement Information**

**I15** Sch. 6 para. 22 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

23 In section 263(3) (meaning of “operational land”) “123(3) and (4)” is omitted.

**Commencement Information**

**I16** Sch. 6 para. 23 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

24 In section 284(3) (validity of orders, etc.) paragraph (c) is omitted.

**Commencement Information**

**I17** Sch. 6 para. 24 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

25 (1) In section 298 (supplementary provisions as to Crown and Duchy interests) for subsections (1) and (2) there is substituted—

“(1) Where there is a Crown interest in any land, sections 109 to 112 shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest.

(2) Where there is a Duchy interest in any land, those sections shall have effect in relation to that interest or any private interest as if the Duchy interest were a private interest.”

(2) In subsection (3) of that section for “the provisions of this Act referred to in subsection (1)(a)” there is substituted “ sections 109 to 112 ”.

(3) This paragraph does not affect the operation of Schedule 3 to the <sup>M1</sup>Planning (Consequential Provisions) Act 1990 in relation to any private interest or Duchy interest (as defined in section 293 of the principal Act).

**Commencement Information**

**I18** Sch. 6 para. 25 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

**Marginal Citations**

**M1** 1990 c. 11.

26 (1) In section 308 (recovery from acquiring authorities of sums paid by way of compensation)—

(a) in subsection (1)(b), “or 132(1)” is omitted;

(b) in subsection (2), “or, as the case may be, section 132(4)” is omitted; and

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(c) in subsection (6) “and in section 309” is omitted.

(2) Any amount recoverable under that section, by reason of a notice registered under section 132(1), which has not been paid shall cease to be recoverable.

**Commencement Information**

**I19** Sch. 6 para. 26 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

27 Section 309 (recovery from acquiring authorities of sums paid in respect of war-damaged land) is omitted.

**Commencement Information**

**I20** Sch. 6 para. 27 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

28 In section 310 (sums recoverable from acquiring authorities reckonable for purposes of grant) “or 309” is omitted.

**Commencement Information**

**I21** Sch. 6 para. 28 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

29 In section 311(1)(b) (expenses of government departments) “or V” is omitted.

**Modifications etc. (not altering text)**

**C5** Sch. 6 para. 29 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.II para. 2(1)

**Commencement Information**

**I22** Sch. 6 para. 29 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

30 Section 312 (payments under s. 59 of 1947 Act and Parts I and V of 1954 Act) is omitted.

**Modifications etc. (not altering text)**

**C6** Sch. 6 para. 30 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.II para. 2(1)

**Commencement Information**

**I23** Sch. 6 para. 30 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

31 In section 313 (general provision as to receipts of Secretary of State) “Without prejudice to section 312, and” is omitted.

**Commencement Information**

**I24** Sch. 6 para. 31 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

32 In section 315(2) (power to modify Act in relation to minerals) the words from “and in relation” to “in respect of such land” are omitted.

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**Commencement Information**

**I25** Sch. 6 para. 32 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

33 In section 318(5) (ecclesiastical property) for “112, 133 or 327” there is substituted “or 112”.

**Commencement Information**

**I26** Sch. 6 para. 33 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

34 In section 324 (rights of entry) subsection (4) is omitted.

**Commencement Information**

**I27** Sch. 6 para. 34 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

35 Section 326 (assumptions as to planning permission in determining value of interests in land) is omitted.

**Commencement Information**

**I28** Sch. 6 para. 35 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

36 Section 327 (recovery on subsequent development of payments in respect of war-damaged land) is omitted.

**Commencement Information**

**I29** Sch. 6 para. 36 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

37 In section 328(1) (settled land, etc.) for “112, 133 or 327” there is substituted “or 112”.

**Commencement Information**

**I30** Sch. 6 para. 37 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

38 In section 336(1) (interpretation) the definitions of “new development” and “previous apportionment” are omitted.

**Modifications etc. (not altering text)**

**C7** Sch. 6 para. 38 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.II para. 2(1)

**Commencement Information**

**I31** Sch. 6 para. 38 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

39 In Schedule 1 (distribution of functions) in paragraph 16(1) “114” is omitted.

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**Commencement Information**

**I32** Sch. 6 para.39 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 40 (1) In Schedule 3 (existing use development, etc.), paragraphs 3 to 8, 11 and 14 are omitted.
- (2) In paragraph 10(2) of that Schedule for “paragraphs 1 and 3” there is substituted “paragraph 1”.
- (3) In paragraph 13 of that Schedule for sub-paragraph (2) there is substituted—  
“(2) This paragraph does not apply for the purposes of sections 111 and 138.”

**Commencement Information**

**I33** Sch. 6 para. 40 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 41 In Schedule 16 (provisions referred to in sections 314 to 319)—
- (a) in Part I for the entry relating to sections 114 and 115 there is substituted — “Section 115”,
- (b) in Parts III and VI, the entries relating to Schedule 12 are omitted.

**Commencement Information**

**I34** Sch. 6 para. 41 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

**Changes to legislation:**

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