



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART XIV

#### APPLICATION OF ACT TO SPECIAL CASES

##### *Other special cases*

#### **273 National Coal Board**

- (1) Regulations made under this Act by the Secretary of State for the Environment and the Secretary of State for Trade and Industry with the consent of the Treasury may direct that any of the provisions of this Act specified in Part I of Schedule 21 to this Act or of section 223 of this Act, being provisions relating to statutory undertakers and to land of such undertakers, shall apply, subject to such adaptations, modifications and exceptions as may be specified in the regulations, in relation to the National Coal Board, and in relation to land (including mines) of that Board of any such class as may be specified in the regulations, as if the Board were statutory undertakers and as if land of any class so specified were operational land.
- (2) Without prejudice to the generality of subsection (1) of this section, any regulations made thereunder may in particular provide that any compensation payable to the National Coal Board by virtue of any of the provisions applied by the regulations, being compensation which, in the case of statutory undertakers, would be assessable in accordance with the provisions of section 238 of this Act, shall, instead of being assessed in accordance with that section, be assessed in accordance with the provisions of the regulations.

#### **274 Ecclesiastical property**

- (1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 with respect to notices served under that Act, where under any of the provisions of this Act a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (2) Where the fee simple of any ecclesiastical property is in abeyance—
- (a) if the property is situated elsewhere than in Wales, then for the purposes of the provisions of this Act specified in Part VII of Schedule 21 to this Act the fee simple shall be treated as being vested in the Church Commissioners;
  - (b) in any case, the fee simple shall, for the purposes of a compulsory acquisition of the property under Part VI of this Act, be treated as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (3) Any compensation payable under Part VIII (except sections 171, 172 and 175) or section 212 of this Act in respect of land which is ecclesiastical property 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.
- (4) Any sum which under any of the provisions of this Act specified in Part III of Schedule 21 to this Act is payable in relation to land which is, or on the appointed day was, ecclesiastical property, and apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners, to be applied for the purposes mentioned in subsection (3) of this section; and where any sum is recoverable under section 159, 168 or 279 of this Act in respect of any such land, the Church Commissioners may apply any money or securities held by them in the payment of that sum.
- (5) In this section "ecclesiastical property" means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

## **275 Settled land, and land of universities and colleges**

- (1) The purposes authorised for the application of capital moneys—
- (a) by section 73 of the Settled Land Act 1925 and by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale; and
  - (b) by section 26 of the Universities and College Estates Act 1925,
- and the purposes authorised by section 71 of the Settled Land Act 1925, by that section as so applied, and by section 30 of the Universities and College Estates Act 1925 as purposes for which moneys may be raised by mortgage, shall include the payment of any sum recoverable under section 159, 168 or 279 of this Act.
- (2) The classes of works specified in Part II of Schedule 3 to the Settled Land Act 1925 (which specifies improvements which may be paid for out of capital money, subject to provisions under which repayment out of income may be required to be made) shall include works specified by the Secretary of State as being required for properly maintaining a listed building which is settled land within the meaning of that Act.