

SCHEDULES

SCHEDULE 13

PLANNING IN SCOTLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

The 1972 Act

- 2 The 1972 Act is amended as follows.
- 3 In subsection (3)(a) of section 5 (preparation of structure plans), after “measures for” there is inserted “the conservation of the natural beauty and amenity of the land.”
- 4 In subsection (3)(a) of section 9 (preparation of local plans), after “fit for” there is inserted “the conservation of the natural beauty and amenity of the land.”
- 5 For subsections (1) to (3) of section 21 (development orders) there is substituted—
- “(1) The Secretary of State shall by regulations under this Act or by order provide for the granting of planning permission.
 - (2) An order under this section (in this Act referred to as a “development order”) may itself grant planning permission for development specified in the order, or for development of any class so specified, and may be made either—
 - (a) as a general order applicable, except so far as it otherwise provides, to all land, but which may make different provision with respect to different descriptions of land; or
 - (b) as a special order applicable only to such land or descriptions of land as may be specified in the order.
 - (3) In respect of development for which planning permission is not granted by a development order, regulations under this Act or an order may provide for the granting of planning permission by the planning authority (or, in the cases hereinafter provided for, by the Secretary of State) on an application in that behalf made to the planning authority in accordance with the regulations or the order.”
- 6 In section 23 (publication of notices of applications)—
- (a) in subsection (1) before the words “a development order” there is inserted “regulations under this Act or”;
 - (b) at the end there is inserted—
 - “(4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
 - (5) Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence.”

Status: This is the original version (as it was originally enacted).

- 7 In section 28 (directions, etc. as to method of dealing with applications)—
- (a) in subsection (1)—
 - (i) the words “Subject to the provisions of section 26(2) to (5) of this Act,” are omitted;
 - (ii) before the words “a development order” there is inserted “regulations under this Act or”; and
 - (iii) for the words “the order”, in each place where they occur, there is substituted “such regulations or the order”; and
 - (b) in subsection (2) of that section, before the words “a development order” there is inserted “regulations under this Act or”.

8 For section 29 there is substituted—

“29 Planning permission for development already carried out

- (1) On an application made to a planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.
- (2) Subsection (1) of this section applies to development carried out—
 - (a) without planning permission;
 - (b) in accordance with planning permission granted for a limited period; or
 - (c) without complying with some condition subject to which planning permission was granted.
- (3) Planning permission for such development may be granted so as to have effect from—
 - (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.”.

- 9 In section 31 (information regarding, and registers of, applications and decisions)—
- (a) for the words “A development order” in both places where they occur, there is substituted “Regulations under this Act or a development order”;
 - (b) for the words “the order” in both places where they occur, there is substituted “such regulations or the order”; and
 - (c) for the words “by a development order”, in both places where they occur, there is substituted “by such regulations or the order”.

- 10 In subsection (4) of section 32 (reference of applications to Secretary of State)—
- (a) for the words from “23” to “28A” there is substituted “26(1) to (3A), 27(1), 27A, 28A and 29”; and
 - (b) at the end there is inserted “and regulations under this Act or a development order may apply, with or without modifications, to an application so referred any requirements imposed by such regulations or such an order by virtue of section 23 or 24 of this Act.”.

- 11 In section 33 (appeals against planning decisions)—
- (a) in subsection (2), before the words “a development order” there is inserted “regulations under this Act or”;
 - (b) in subsection (5)—

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

- (i) “23, 24” is omitted;
 - (ii) for “26(1) and (3)” there is substituted “26(1) to (3A)”;
 - (iii) for “and 27A” there is substituted “, 27A and 29”; and
 - (iv) at the end there is inserted “and regulations under this Act or a development order may apply, with or without modifications, to such an appeal any requirements imposed by regulations or such an order by virtue of section 23 or 24 of this Act”; and
- (c) in subsection (7)—
- (i) for the words “and of the development order” there is substituted “, any regulations made under this Act in that regard and of any development order”; and
 - (ii) for the words “under that order” there is substituted “under such regulations or such order”.
- 12 In section 34 (appeal in default of planning decision), for the words “the development order”, in both places where they occur, there is substituted “regulations under this Act or a development order”.
- 13 In subsection (3)(c) of section 38 (limit of duration of planning permission), for the words from “granted” to the end there is substituted “for any development carried out before the grant of planning permission”.
- 14 In section 39 (outline planning permission), before the words “a development order” there is inserted “regulations under this Act or”.
- 15 In subsection (2) of section 40 (provision as to date when development begun), after paragraph (a) there is inserted—
- “(aa) any work of demolition of a building;”.
- 16 In section 49 (orders requiring discontinuance of use etc.), for subsection (3) there is substituted—
- “(3) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under this section.
 - (3A) Planning permission for such development may be granted so as to have effect from—
 - (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.”
- 17 Section 51 is omitted.
- 18 In subsection (3) of section 55 (acts causing or likely to result in damage to listed buildings), for “£40” there is substituted “one-tenth of level 3 on the standard scale”.
- 19 In section 84A (power of regional planning authority to take enforcement action) in subsection (2) for the words “84 (except subsection (1)),” there is substituted “83A, 83B, 84 (except subsection (1)), 84AA, 84AB,”.
- 20 In section 85 (appeal against enforcement notice)—
- (a) in subsection (2B)(d) for the words from “being” to “situated” there is substituted “to such persons as may be specified”;
 - (b) in subsection (4)—

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

- (i) for paragraph (a) there is substituted—
 - “(a) the Secretary of State may—
 - (i) correct any defect, error or misdescription in the enforcement notice; or
 - (ii) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the planning authority;”;
 - (ii) in paragraph (b) for “84(5)” there is substituted “84(2)”; and
- (c) in subsection (5)—
 - (i) “or for varying the terms of the notice in favour of the appellant” is omitted; and
 - (ii) for paragraphs (a) to (b) there is substituted—
 - “(a) grant planning permission in respect of any of the matters stated in the enforcement notice as constituting a breach of planning control or any of those matters so far as relating to part of the land to which the notice relates;
 - (b) discharge any condition or limitation subject to which planning permission was granted;
 - (c) grant planning permission for such other development on the land to which the enforcement notice relates as appears to him to be appropriate; and
 - (d) determine whether on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which the permission was granted was lawful and, if so, issue a certificate under section 90 of this Act.”
- (d) after subsection (5) there is inserted—
 - “(5A) The provisions of sections 90 to 90C of this Act mentioned in subsection (5B) of this section shall apply for the purposes of subsection (5)(d) of this section as they apply for the purposes of section 90 of this Act, but as if—
 - (a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
 - (b) references to the planning authority were references to the Secretary of State.
 - (5B) Those provisions are: sections 90(5) to (7), 90B(4) (so far as it relates to the form of the certificate), (6) and (7) and 90C.”;
- (e) in subsection (6), for the words from “and any planning permission” to the end there is substituted—

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

- “(6A) The planning permission which may be granted under subsection (5) of this section is any planning permission which might be granted on an application under Part III of this Act.
- (6B) Where the Secretary of State discharges a condition or limitation under subsection (5) of this section, he may substitute for it any other condition or limitation.”;
- (f) in subsection (7), for “for the development to which the notice relates” there is substituted “in respect of the matters stated in the enforcement notice as constituting a breach of planning control”; and
- (g) subsection (11) is omitted.
- 21 In section 87 (stop notices)—
- (a) in subsection (4)(c), for “84(7)(c)” there is substituted “84AA(7)”;
(b) in subsection (5), for the words “activity prohibited by the stop notice” there is substituted “relevant activity”; (c) in subsection (6) for the words “activities which constitute or involve the breach of planning control alleged” there is substituted “the relevant activity specified”; and
(d) in subsection (9), for “84(5)” there is substituted “84”.
- 22 In subsection (1) of section 87A (register of various notices), for the words “waste land notices” there is substituted “notices under section 63 of this Act” and after “enforcement notices” there is inserted “, breach of condition notices”.
- 23 In subsection (2) of section 88 (execution and cost of works required by enforcement notice), “(as defined in section 84(2) of this Act)” is omitted.
- 24 In section 89 (enforcement notice to have effect against subsequent development)—
- (a) in subsection (1), for “demolition” there is substituted “removal”; and
(b) in subsections (3) and (4) for “demolished” in each place where it occurs there is substituted “removed”.
- 25 For section 89A there is substituted—

“89A Effect of planning permission, etc., on enforcement or breach of condition notice

- (1) Where, after the service of—
- (a) a copy of an enforcement notice; or
(b) a breach of condition notice,
- planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.
- (2) Where, after a breach of condition notice has been served, any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.
- (3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this section shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice.”

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

- 26 In section 91 (grant of certificate by Secretary of State on referred application or appeal against refusal)—
- (a) for “an established use certificate” in subsection (2) there is substituted “a certificate under section 90 or 90A”;
 - (b) subsections (3) and (5) are omitted; and
 - (c) at the end there is inserted—
 - “(7) Where the Secretary of State or a person appointed by him under Schedule 7 to this Act to determine an appeal grants a certificate under section 90 or 90A of this Act, the Secretary of State or that person shall give notice to the planning authority of that fact.”
- 27 In subsection (2) of section 101 (enforcement of control as to advertisements), for “£40” there is substituted “one-tenth of level 3 on the standard scale”.
- 28 In subsection (1) of section 145 (determination of claims)—
- (a) the words “this Part of”, in both places where they occur, are omitted; and
 - (b) at the end there is inserted—
 - “(d) for requiring the Secretary of State to pay any compensation determined under this section to the person entitled thereto.”
- 29 In subsection (1) of section 166 (compensation for loss due to stop notice)—
- (a) for the words “in any of the circumstances mentioned in subsection (2) of this section” there is substituted “subject to the provisions of this section,”; and
 - (b) at the end there is inserted “or, in a case to which subsection (2)(b) of this section applies, the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities”.
- 30 In subsection (2) of that section—
- (a) for paragraphs (a) and (b) there is substituted—
 - “(a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 85(1) of this Act;
 - (b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity within the meaning of section 87(2) of this Act;” and
 - (b) in paragraph (c) the words from “or for its retention” to “granted” are omitted.
- 31 In subsection (5) of section 201 (order extinguishing right to use vehicles on highway), the definition of “lawful access” is omitted.
- 32 Section 214(3) is omitted.
- 33 In subsection (3)(g) of section 231 (validity of development plans and certain orders, decisions and directions), for the words “an established use certificate” there is substituted “a certificate under section 90 or 90A of this Act”.
- 34 Section 234 is omitted.
- 35 In section 242(2)(b) for “sections 97” there is substituted “sections 91A, 91B, 97”.

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

- 36 In subsection (1)(b) of section 247 (expenses of government departments), for “Part VII” there is substituted “section 145”.
- 37 In section 253 (exercise of powers in relation to Crown land), in subsection (2)(a) for “84” there is substituted “83C, 84, 84AB, 87, 87AA”.
- 38 In section 265 (rights of entry)—
- (a) in subsection (1)(b)—
 - (i) “58 or” is omitted; and
 - (ii) for the words “either of those sections” there is substituted “section 61”;
 - (b) in subsection (1)(c)—
 - (i) after “Part IV” there is inserted “other than sections 58 to 60”; and
 - (ii) for the words “Part V” there is substituted “sections 92 to 97BC and 101”;
 - (c) subsection (2A)(a) is omitted;
 - (d) in subsection (4)(b), “or 99” is omitted;
 - (e) in subsection (5) “Part VII of” is omitted; and
 - (f) in subsection (6) after “other than section” where it first occurs there is inserted “163 or”.
- 39 In section 266 (supplementary provisions as to rights of entry)—
- (a) in subsection (1) after “authority” there is inserted “and state the purpose of his entry”;
 - (b) in subsection (3) for “premises” there is substituted “land”.
- 40 (1) In subsection (1) of section 275 (interpretation)—
- (a) after the definition of “authority to whom Part II of the 1959 Act applies” there is inserted—
 - ““breach of condition notice” has the meaning given in section 87AA of this Act;
 - “breach of planning control” has the meaning given in section 83A of this Act;
 - (b) at the end of the definition of “building or works” there is inserted “and references to the removal of buildings or works include demolition of buildings and filling in of trenches”;
 - (c) for the definition of “building operations” there is substituted—
 - “building operations” has the meaning given by section 19 of this Act;
 - (d) the definition of “established use certificate” is omitted;
 - (e) after the definition of “owner” there is inserted—
 - ““planning contravention notice” has the meaning given in section 83C of this Act;”; and
 - (f) in the definition of “planning permission” the words from “and in construing” to the end are omitted.

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

- (2) In subsection (9) of that section, for “or 257” there is substituted “, 257 or 258”.
- 41** (1) In paragraph 2 of Schedule 7 (determination of appeals), in sub-paragraph (1)(a), for “subsections (3) and (5)” there is substituted “subsections (3), (5) and (7A)”.
- (2) In paragraph 2 of that Schedule, in sub-paragraph (2), after “85(2)” there is inserted “to (2D)” and after “93(2)” there is inserted “and (2A)”.
- (3) In paragraph 3 of that Schedule, in sub-paragraph (2), for “section 26(3)(a)” there is substituted “section 26(3)”.
- (4) In paragraph 3A of that Schedule, in sub-paragraph (2), for “26(3)(a)” there is substituted “26(3)”.
- 42** In paragraph 2 of Schedule 10 (control of works for demolition etc.), in sub-paragraph (1)—
- (a) for the words “or other of those described in section 24(1)(a) to (d)” there is substituted “prescribed under section 24”; and
- (b) for the words “24(2) to (4) and 26(3)” there is substituted “24 and 26(3) and (3A)”.
- 43** In Schedule 19 (sections 250, 251 etc.)—
- (a) in Part I—
- (i) after the entry for section 26(1) there is inserted “Section 26A”;
- (ii) for “Sections 48 to 51” there is substituted “Section 49 to 50”;
- (iii) after the entry for sections 88 to 89 there is inserted—
- “Section 90A.Sections 91A to 91C.”;
- (iv) after the entry relating to section 98 there is inserted—
- “Sections 99A to 99C.”;
- (b) in Part II—
- (i) in the entry for section 33, for “and” there is substituted “to”;
- (ii) after the entry relating to section 56 there is inserted—
- “Sections 83A to 83D.”;
- (iii) after the entry relating to section 87 there is inserted—
- “Section 87AA.”; and
- (c) in Part III after the entry for sections 61 to 63A there is inserted—

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

“Sections 83A to 83D.”

Local Government (Scotland) Act 1973 (c. 65)

- 44** (1) For subsection (4) of section 173 (regional reports) of the Local Government (Scotland) Act 1973 there is substituted—
- “(4) Before submitting the report to the Secretary of State, a general or regional planning authority shall consult every other planning authority who are likely to be affected by the report, and at the same time as they submit the report to the Secretary of State they shall send a copy of the report to every such planning authority.”
- (2) In subsection (2) of section 174 (structure plans) of that Act, after “State, a” there is inserted “general or”.
- (3) In subsection (5) of section 179 (reference of applications to regional planning authority), for the words “23(1)(f) and (h), 24(2B), (2C), (2D) and (4)” there is substituted “23, 24”.

Local Government, Planning and Land Act 1980 (c. 65)

- 45** In subsection (3) of section 87 of the Local Government, Planning and Land Act 1980 (fees for planning applications), for the words “to him of a fee of the prescribed amount in respect of an” there is substituted—
- “(a) of fees of prescribed amounts to him and to the planning authority in respect of any application for planning permission deemed to be made under subsection (7) of section 85 (appeals against enforcement notice) of the Town and Country Planning (Scotland) Act 1972; and
- (b) of a fee of the prescribed amount to him in respect of any other”.
- 40A** In Part I of Schedule 30 to that Act the following are inserted at the appropriate places among the provisions of the 1972 Act there listed: 83C, 83D, 84AA, 84AB, 87AA and 260A.

Town and Country Planning Act 1984 (c. 10)

- 47** (1) Section 1 of the Town and Country Planning Act 1984 is amended as follows.
- (2) In subsection (1) for “determination under section 51 of the Act of 1972 (determination whether planning permission is required)” there is substituted “certificate under section 90A of the Act of 1972 (certificate of lawfulness of proposed use or development)”.
- (3) In subsection (2) for “or determination” there is substituted “or certificate”.
- (4) For subsection (4) there is substituted—

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

- “(4) Any application made by virtue of this section for a certificate under section 90A shall be determined as if the land were not Crown land.”
- (5) In subsection (5)(a) for “determinations” there is substituted “certificates”.
- (6) In subsection (7) for “determination” there is substituted “certificate”.

SCHEDULE Section
 14 66.

COMPENSATION WHERE PERMISSION FOR ADDITIONAL
 DEVELOPMENT GRANTED AFTER ACQUISITION

- 1** After section 22 of the Land Compensation Act 1961 there is inserted—

“PART IV

COMPENSATION WHERE PERMISSION FOR ADDITIONAL
 DEVELOPMENT GRANTED AFTER ACQUISITION

23 Compensation where planning decision made after acquisition

- (1) Where—
- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of ten years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and
 - (b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

- (2) The amount referred to in subsection (1)(b) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date if—

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

- (a) the planning decision mentioned in subsection (1)(a) of this section had been made before that date; and
 - (b) the permission granted by it had been in force on that date.
- (3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates to land acquired by the acquiring authority, whether compulsorily or by agreement—
 - (a) under section 142 or 143 of the Local Government, Planning and Land Act 1980 (acquisitions by urban development corporations and by highway authorities in connection with urban development areas);
 - (b) under the New Towns Act 1981 (acquisitions by development corporations and by highway authorities in connection with new town areas); or
 - (c) where the compulsory purchase order included a direction under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (minimum compensation where building deliberately allowed to fall into disrepair).
- (4) If—
 - (a) in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section; but
 - (b) before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person,the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.
- (5) Compensation under this section shall carry interest at the rate prescribed under section 32 of this Act from the date of the planning decision in question until payment.
- (6) The provisions of Part I of this Act (so far as applicable) shall apply (subject to the following provisions) in relation to the assessment of compensation under this section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

24 Provisions as to claims under section 23

- (1) For the purpose of facilitating the making of claims for compensation under section 23 of this Act—

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

- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in section 23(1)(a) of this Act; or
- (b) any person claiming under him as being a person who, if compensation under that section became payable, would be entitled to it by virtue of subsection (4) of that section,

may give to the acquiring authority an address for service under this section.

(2) Where, at any time—

- (a) after a person has given an acquiring authority an address for service under this section; and
- (b) before the end of the period mentioned in paragraph (a) of section 23(1) of this Act,

such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall, subject to subsection (3) of this section, give notice of the decision in the prescribed form to that person at that address.

(3) If—

- (a) an address for service has been given by such a person as is mentioned in subsection (1)(b) of this section; and
- (b) the acquiring authority have reasonable grounds for believing that the person mentioned in subsection (1) (a) of this section is dead or that any other act or event has occurred as mentioned in section 23(4)(b) of this Act,

the acquiring authority need not give a notice to the person mentioned in subsection (1)(a).

(4) A claim for compensation under section 23 of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say—

- (a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision;
- (b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

but, where there is an appeal against the planning decision, the reference in paragraph (a) of this subsection to the date of the planning decision shall be read as a reference to the date of the decision on the appeal.

(5) The references in subsection (4) of this section to an appeal against a planning decision include an appeal made by virtue of section 78(2) of the Town and Country Planning Act 1990.

(6) Where—

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

- (a) a person has given to an acquiring authority an address for service under this section; and
- (b) that authority, before the end of the period mentioned in section 23(1)(a) of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to a freehold interest in, or tenancy of, that land or that part of it, as the case may be,

they shall notify the local planning authority; and after that it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision of which the acquiring authority are required to give notice under subsection (2) of this section.

- (7) Notice under subsection (6) of this section of a planning decision—
- (a) in the case of a decision made by the local planning authority, shall be given within seven days after the making of the decision; and
 - (b) in any other case, shall be given within seven days after the making of the decision has been notified to the local planning authority.

25 Extension to planning permission where no planning decision made

- (1) The provisions of sections 23 and 24(1) of this Act shall have effect in relation to any planning permission falling within column 1 of the following table for any development as if a planning decision granting that permission had been made on the date shown in column 2.

| | |
|---|--|
| Permission granted by a development order | When development is initiated |
| Permission granted by the adoption or approval of a simplified planning zone scheme | When the scheme is approved or adopted |
| Permission granted by an order designating an enterprise zone | When the designation takes effect |
| Permission deemed to be granted by a direction under section 90 of the Town and Country Planning Act 1990 | When the direction is given |
| Permission deemed to be granted by a local planning authority | The occurrence of the event in consequence of which the permission is deemed to be granted |

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

(2) Where the provisions of section 23 of this Act have effect as applied by subsection (1) of this section in relation to any planning permission falling within column 1 of that table for any development, then if—

- (a) before the date shown in column 2, a person who (under section 24(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority; and
- (b) the development is proposed to be carried out by the acquiring authority or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall, subject to subsection (3) of this section, be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the person mentioned in paragraph (a) of this subsection at the address given by him to the authority.

(3) An acquiring authority shall not be required by virtue of subsection (2) of this section to give notice of proposed development to the person mentioned in section 24(1)(a) of this Act if—

- (a) an address for service has been given to them by such a person as is mentioned in section 24(1)(b) of this Act; and
- (b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 23(4)(b) of this Act.

(4) A claim for compensation under section 23 of this Act in respect of a planning permission falling within column 1 of that table shall not have effect if made more than six months after the following date, that is to say—

- (a) if the claim is made by a person to whom notice has been given under subsection (2) of this section, the date on which the notice was given;
- (b) in any other case, the date shown in column 2.

26 Extension to Crown development

(1) Where—

- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and before the end of the period of ten years beginning with the date of completion there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and

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

- (b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required,

the provisions of sections 23 and 24(1) of this Act shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

- (2) The circumstances referred to in subsection (1) of this section are either or both of the following—

- (a) that the development is initiated by or on behalf of the Crown;
- (b) that there is a Crown or Duchy interest in the land and the development is initiated in right of that interest.

- (3) Where—

- (a) the provisions of section 23 of this Act have effect as applied by subsection (1) of this section in relation to the initiation of any development; and
- (b) before the development is initiated a person who (under section 24(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority,

it shall, subject to subsections (4) and (5) of this section, be the duty of the acquiring authority to give notice in the prescribed form of the initiation of the development to the person mentioned in paragraph (b) of this subsection at the address given by him to the authority.

- (4) Where—

- (a) by virtue of subsection (3) of this section, it is the duty of a government department to give notice of development initiated by or on behalf of that department; and
- (b) the Minister in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate,

the department shall give notice of development, but shall not be required to give any particulars of the nature of the development except to the extent specified in the certificate.

- (5) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in section 24(1)(a) of this Act if—

- (a) an address for service has been given to them by such a person as is mentioned in section 24(1)(b) of this Act; and

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- (b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 23(4)(b) of this Act.
- (6) A claim for compensation under section 23 of this Act in respect of the initiation of any development shall not have effect if made more than six months after the following date, that is to say—
- (a) if the claim is made by a person to whom notice has been given under subsection (3) of this section, the date on which the notice was given;
 - (b) in any other case, the time the development is initiated.
- (7) In this section “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department.

27 Application of Part IV to certain cases

The preceding provisions of this Part of this Act shall have effect subject to the provisions of the Third Schedule to this Act.

28 Regulations for purposes of Part IV

- (1) The Secretary of State may by statutory instrument make regulations for prescribing the form of any notice required by this Part of this Act to be given in the prescribed form.
- (2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

29 Interpretation of Part IV

- (1) In this Part of this Act—
 - “additional development”, in relation to an acquisition or sale of an interest in land, means any development of the land other than the following, that is to say—
 - (a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;
 - (b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;

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- (c) development for which planning permission was in force on the relevant date;
- (d) in the case of compulsory acquisition, development for which it was assumed (in accordance with the provisions of sections 14 to 16 of this Act) for the purpose of assessing compensation that planning permission would be granted; and
- (e) in the case of a sale by agreement, development for which, if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date, it would have been so assumed;

“date of completion”, in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority;

“local authority” means—

- (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying board within the meaning of section 74 of that Act;
- (c) a body as regards which section 75 of that Act applies;
- (d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and
- (e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple;

and includes any internal drainage board under section 6 of the Land Drainage Act 1976;

“prescribed” means prescribed by regulations under this Part of this Act;

“the relevant date”, in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat and, in relation to a sale of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

- (2) In this Part of this Act any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission (including where applicable outline permission) for that development—
 - (a) either unconditionally or subject to conditions; and
 - (b) either in respect of that land taken by itself or in respect of an area including that land.”

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2 After Schedule 2 to that Act there is inserted—

“THIRD
SCHEDULE

APPLICATION OF PART IV TO CERTAIN CASES

Disturbance, severance and injurious affection

1 Subject to paragraph 2 of this Schedule, any reference in section 23 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.

2 If the person entitled to the compensation under section 23 of this Act—

- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in other land contiguous or adjacent to the land acquired or purchased; but
- (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;

any reference in section 23 of this Act to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

3 In determining for the purposes of section 23 of this Act the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 7 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land; but
- (b) at the time of the planning decision the person entitled to the compensation under section 23 of this Act is not entitled to the interest or is entitled to it only as respects part of the contiguous or adjacent land,

the amount specified in section 23(2) and the principal amount or purchase price mentioned in section 23(1)

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

shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part of the land.

Mortgaged land

- 4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 23(1) of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference (however expressed) in section 23 or section 24 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the mortgage, was entitled to that interest, and not as a reference to the mortgagee.
- 5 For the purposes of the application of section 23 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a mortgage.
- 6 No compensation shall be payable by virtue of section 23 of this Act in respect of a compulsory acquisition or sale by agreement where the interest acquired or sold was the interest of a mortgagee (as distinct from an interest subject to a mortgage).

Settled land

- 7 (1) Where, in a case falling within section 23(1) of this Act, the interest in land which was acquired or sold was subject to a settlement, and accordingly the compensation or purchase price was payable to the trustees of that settlement, any reference (however expressed) in section 23 or section 24 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the settlement.
- (2) Where sub-paragraph (1) of this paragraph applies, section 23(4) of this Act shall not apply.
- (3) Any compensation paid to the trustees of the settlement by virtue of section 23 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.

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

- (4) In this paragraph “settlement” means a settlement within the meaning of the Settled Land Act 1925, or a trust for sale within the meaning of the Law of Property Act 1925.

Interpretation

- 8 References in this Schedule to sections 23 and 24 of this Act include references to those sections as applied by section 25 or 26 of this Act, and references to the time of any planning decision shall be construed accordingly.”

SCHEDULE
15

Section
70.

AMENDMENTS RELATING TO LAND COMPENSATION

PART I

MISCELLANEOUS AMENDMENTS

Rules for assessment of compensation

- 1 In section 5 of the Land Compensation Act 1961 (rules for assessing compensation), in rule (3) (disregard of special suitability of land for any purpose where, in particular, there is no market for that purpose apart from the special needs of a particular purchaser or the requirements of an authority possessing compulsory purchase powers) “the special needs of a particular purchaser or” is omitted.

Expenses in acquiring replacement land

- 2 After section 10 of the Land Compensation Act 1961 there is inserted—

“10A Expenses of owners not in occupation

Where, in consequence of any compulsory acquisition of land—

- (a) the acquiring authority acquire an interest of a person who is not then in occupation of the land; and
- (b) that person incurs incidental charges or expenses in acquiring, within the period of one year beginning with the date of entry, an interest in other land in the United Kingdom,

the charges or expenses shall be taken into account in assessing his compensation as they would be taken into account if he were in occupation of the land.”

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

Compensation otherwise than in the form of money

- 3 In section 3 of the Compulsory Purchase Act 1965 (acquisition by agreement for a consideration in money) after “money” there is inserted “or money’s worth”.

Tenants at will, etc: part acquisitions

- 4 In section 20(2) of the Compulsory Purchase Act 1965 (tenant at will, etc., entitled to compensation for damage done to him in his tenancy), for “in his tenancy by severing the” there is substituted “by severing”.

Caravans etc. affected by noise of public works

- 5 (1) After section 20 of the Land Compensation Act 1973 there is inserted—

“20A Power to make payments in respect of caravans and other structures affected by noise of public works

- (1) The Secretary of State may make regulations empowering responsible authorities to make a payment, not exceeding an amount specified in the regulations, in respect of any dwelling which—
- (a) is not a building;
 - (b) is occupied by a person as his only or main residence; and
 - (c) is affected or likely to be affected by noise caused by the construction or use of public works.
- (2) Regulations under this section may—
- (a) make provision as to the level of noise giving rise to a power under the regulations and the area in which a dwelling must be situated if a power is to arise in respect of it;
 - (b) specify the classes of public works and of dwellings in respect of which a power is to arise, and the classes of persons entitled to make claims, under the regulations; and
 - (c) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed.
- (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsections (3), (7) and (12) of section 20 above apply for the purposes of this section as they apply for the purposes of that.”

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

- (2) This paragraph does not apply in relation to any public works if the relevant date for the purposes of Part I of the Land Compensation Act 1973 fell more than twelve months before the date on which this paragraph comes into force.

Farm loss payments

- 6 (1) Section 34 of the Land Compensation Act 1973 (right to farm loss payment where person displaced from agricultural unit) is amended as follows.
- (2) For subsection (1)(a) (section applies only if whole of land is acquired) there is substituted—
- “(a) in consequence of the compulsory acquisition of his interest in the whole, or a sufficient part, of that land, he is displaced from the land acquired”.
- (3) In subsection (2) (interests qualifying for compensation) for the words following “tenancy” there is substituted “where his interest is as tenant for a year or from year to year or a greater interest, and “sufficient part” means not less than 0.5 hectares or such other area as the Secretary of State may by order specify”.
- (4) After that subsection there is inserted—
- “(2A) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) At the end of subsection (3)(a) (meaning of displacement) there is added “or on any date after the making or confirmation of the compulsory purchase order but before being required to do so by the acquiring authority”.
- (6) Subsection (6) is omitted.

Notice to quit agricultural holding: right to opt for notice of entry compensation

- 7 At the end of section 59(7) of the Land Compensation Act 1973 (which does not apply where land was Crown land at time of agreement to acquire it) there is inserted “and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord’s interest were not an interest in Crown land (as defined by section 293 of the Town and Country Planning Act 1990).”

Service of documents

- 8 In section 6(4) of the Acquisition of Land Act 1981 (service of documents where not practicable to ascertain name or address of owner, etc.), for the words from “premises or” to the end there is

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

substituted “land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land”.

Meaning of “owner”

- 9** In section 7 of the Acquisition of Land Act 1981 (interpretation) at the end of the definition of “owner” there is inserted “and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative”.

Local authority and statutory undertakers' land

- 10** (1) At the end of section 16(1) of, and paragraph 3(1) of Schedule 3 to, the Acquisition of Land Act 1981 (statutory undertakers' land excluded from compulsory purchase if objection made and no certificate given) there is added “and the representation is not withdrawn.”
- (2) For section 31(2) and (3) of that Act (acquisition under certain enactments without a certificate) there is substituted—
- “(2) Section 16(2) of, and paragraph 3(2) of Schedule 3 to, this Act shall not apply to an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it.”
- 11** In section 17(3) of, and paragraph 4(3) of Schedule 3 to, that Act (certain compulsory acquisitions to be subject to special parliamentary procedure, unless acquirer is local authority, etc.), before “the Land Authority for Wales” there is inserted “an urban development corporation”.

Commons, open spaces, etc.

- 12** (1) In section 19 of the Acquisition of Land Act 1981 (compulsory acquisition of commons, etc., to be subject to special parliamentary procedure, with exceptions)—
- (a) at the end of subsection (1)(a) there is inserted—
- “(aa) that the land is being purchased in order to secure its preservation or improve its management”, and
- (b) in subsection (2) after “shall” there is inserted “direct the acquiring authority to”,
- (c) after that subsection there is inserted—
- “(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.”, and
- (d) at the end of subsection (3) there is added “except where the Secretary of State has given a certificate under subsection (1)(aa) above.”
- (2) In paragraph 6 of Schedule 3 to that Act—
- (a) after sub-paragraph (1)(a) there is inserted—

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

- “(aa) that the right is being acquired in order to secure the preservation or improve the management of the land”, and
- (b) in sub-paragraph (3) after “shall” there is inserted “direct the acquiring authority to”,
- (c) after that sub-paragraph there is inserted—
- “(3A) Notice under sub-paragraph (3) above shall be given in such form and manner as the Secretary of State may direct.”, and
- (d) in sub-paragraph (4), after “mentioned, and” there is inserted “except where the Secretary of State has given his certificate under sub-paragraph (1)(aa) above.”

Blighted land

- 13** In sections 150(1)(b), 161(2)(c) and 162(1)(b) of the principal Act (notices requiring purchase of blighted land: need to show reasonable endeavours to sell interest) after “interest” there is inserted “or the land falls within paragraph 21 or paragraph 22 (disregarding the notes) of Schedule 13 and the powers of compulsory acquisition remain exercisable”.
- 14** (1) In Schedule 13 to that Act (blighted land) for paragraph 16 there is substituted—
 - “16 Land comprised in the site of a highway as proposed to be constructed, improved or altered by the Secretary of State if he has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the local planning authority.”
- (2) In paragraph 18 of that Schedule for “trunk road or special road” there is substituted “highway”.

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

Land Compensation Act 1961 (c. 33)

- 15** (1) In section 14(1) of the Land Compensation Act 1961 after “shall” there is inserted “(subject to subsection (3A) of this section)”.
- (2) In section 14(3) of that Act, for the words from “but” to the end there is substituted—
- “(3A) In determining—
 - (a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land; or

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

- (b) whether any of the assumptions mentioned in section 16 of this Act (but not section 15) are applicable to the relevant land or any part thereof,
regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part III of this Act.”
- 16** In section 17 of that Act—
- (a) for the words from the beginning of subsection (2) to “acquire it” there is substituted “If the authority proposing to acquire the interest”, and
- (b) subsection (8) is omitted.
- 17** In section 19(1) of that Act for “in the circumstances mentioned in subsection (1) of section 17 of this Act” there is substituted “by an authority possessing compulsory purchase powers”.
- 18** Section 22(3) of that Act is omitted.

Compulsory Purchase Act 1965 (c. 56)

- 19** In section 31 of the Compulsory Purchase Act 1965—
- (a) after “but” there is inserted “in the case of land which is not diocesan glebe land”,
- (b) for “to be applied” there is substituted “and, in the case of diocesan glebe land, shall be paid to the Diocesan Board of Finance in which the land is vested and, in either case, shall be applied”, and
- (c) at the end of that section there is added—
- “In this section “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976.”

Land Compensation Act 1973 (c. 26)

- 20** In section 13 of the Land Compensation Act 1973—
- (a) in subsection (1) for “to the Church Commissioners to” there is substituted—
- “(a) in the case of land which is not diocesan glebe land, to the Church Commissioners;
and
- (b) in the case of diocesan glebe land, to the Diocesan Board of Finance in which the land is vested,
- and (in either case) shall”, and
- (b) at the end of subsection (2) there is added “or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976”.
- 21** In section 26 of that Act—

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- (a) in subsection (2) for “of the kind mentioned in section 22(2) above” there is substituted “a qualifying interest”, and
- (b) in subsection (5) for “and (2)” there is substituted “(2) and (2A)”.

22 (1) Section 29 of that Act is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (ii) “passed the resolution” is omitted;
- (b) “and” following paragraph (iii) is omitted;
- (c) after paragraph (iv) there is inserted “and”; and
- (d) in paragraph (v) after “(e)” there is inserted “above”.

(3) In subsection (3A) the words from “of the service” to “(1)(b) above” are omitted.

(4) In subsection (4)—

- (a) for paragraph (b) there is substituted—
 - “(b) a right to occupy the dwelling—
 - (i) as a statutory tenant within the meaning of the Rent (Agriculture) Act 1976 or the Rent Act 1977, or
 - (ii) under a contract to which section 19 of the Rent Act 1977 (restricted contracts) applies or would apply if the contract or dwelling were not excluded by section 19(3) to (5) or 144 of that Act”, and
- (b) for paragraph (e) there is substituted—
 - “(e) a right to occupy the dwelling under a licence where—
 - (i) it is a right to occupy as a protected occupier within the meaning of the Rent (Agriculture) Act 1976,
 - (ii) Part IV of the Housing Act 1985 (secure tenancies) applies to the licence, or
 - (iii) the licence is an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988.”

23 In section 32(7B) of that Act for “the person giving up possession” there is substituted “any person giving up possession or occupation”.

24 In section 52 of that Act—

- (a) in subsection (9) after “the amount of the advance payment” there is inserted “together with any amount paid under section 52A”, and
- (b) in subsection (10) the words following “unpaid” are omitted.

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

Local Government, Planning and Land Act 1980 (c. 65)

- 25** After section 141(5) of the Local Government, Planning and Land Act 1980 there is inserted—

“(5A) No compensation is payable, by virtue of an order under this section, under Part IV of the Land Compensation Act 1961.”

Highways Act 1980 (c. 66)

- 26** In section 246(2) of the Highways Act 1980, for the words following paragraph (b) there is substituted “if the interest of the vendor is a qualifying interest”.

Acquisition of Land Act 1981 (c. 67)

- 27** At the end of section 12(3) of, and paragraph 3(3) of Schedule 1 to, the Acquisition of Land Act 1981 there is added “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976”.
- 28** Section 20 of, and paragraph 7 of Schedule 3 to, that Act are repealed.

The principal Act

- 29** In section 231 of the principal Act the words from “for a purpose” to “is situated” are omitted.
- 30** (1) In section 318 of that Act, in subsection (3) for the words from “be” (in paragraph (a)) to “shall” (in paragraph (b)) there is substituted—

“in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

- (b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case)”.

- (2) In subsection (4)(b) of that section for “(3)(b)” there is substituted “(3)”.

- (3) At the end of section 318(6) of that Act there is added “or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976”.

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 31** (1) In section 86(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the words from “be” (in paragraph (a)) to “shall” (in paragraph (b)) there is substituted—

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

“in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

- (b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case).”

- (2) At the end of section 86(4) of that Act there is added “or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976

Planning (Hazardous Substances) Act 1990 (c. 10)

- 32** (1) In section 34(3) of the Planning (Hazardous Substances) Act 1990 for the words from “be” (in paragraph (a)) to “shall” (in paragraph (b)) there is substituted—

“in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

- (b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case).”

- (2) At the end of section 34(4) of that Act there is added “or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976”.

SCHEDULE

16

Section

77.

COMPENSATION WHERE PERMISSION FOR ADDITIONAL
DEVELOPMENT GRANTED AFTER ACQUISITION-SCOTLAND

- 1** After section 30 of the Land Compensation (Scotland) Act 1963 there is inserted—

“PART V

COMPENSATION WHERE PERMISSION FOR ADDITIONAL
DEVELOPMENT GRANTED AFTER ACQUISITION

31 Compensation where planning decision made after acquisition

- (1) Where—

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

- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of ten years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and
- (b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

- (2) The amount referred to in subsection (1)(b) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date if—
 - (a) the planning decision mentioned in subsection (1)(a) of this section had been made before that date; and
 - (b) the permission granted by it had been in force on that date.
- (3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates to land acquired by the acquiring authority, whether compulsorily or by agreement—
 - (a) under section 142 or 143 of the Local Government, Planning and Land Act 1980 (acquisitions by urban development corporations and by roads authorities in connection with urban development areas);
 - (b) under the New Towns (Scotland) Act 1968 (acquisitions by development corporations and by roads authorities in connection with new town areas); or
 - (c) where the compulsory purchase order included a direction under section 107 of the Town and Country Planning (Scotland) Act 1972 (minimum compensation in case of listed building deliberately left derelict).
- (4) If—
 - (a) in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section; but
 - (b) before the planning decision in question that person has died, or any other act or event has occurred

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

whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

- (5) Compensation under this section shall carry interest at the rate prescribed under section 40 of this Act from the date of the planning decision in question until payment.
- (6) The provisions of Part II of this Act (so far as applicable) shall apply (subject to the following provisions) in relation to the assessment of compensation under this section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

32 Provisions as to claims under section 31

- (1) For the purpose of facilitating the making of claims for compensation under section 31 of this Act—
 - (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in section 31(1)(a) of this Act; or
 - (b) any person claiming under him as being a person who, if compensation under that section became payable, would be entitled to it by virtue of subsection (4) of that section,
 may give to the acquiring authority an address for service under this section.
- (2) Where, at any time—
 - (a) after a person has given an acquiring authority an address for service under this section; and
 - (b) before the end of the period mentioned in paragraph (a) of section 31(1) of this Act,
 such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall, subject to subsection (3) of this section, give notice of the decision in the prescribed form to that person at that address.
- (3) If—
 - (a) an address for service has been given by such a person as is mentioned in subsection (1)(b) of this section; and
 - (b) the acquiring authority have reasonable grounds for believing that the person mentioned in subsection (1) (a) of this section is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act,

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the acquiring authority need not give a notice to the person mentioned in subsection (1)(a).

(4) A claim for compensation under section 31 of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say—

- (a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision;
- (b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

but, where there is an appeal against the planning decision, the reference in paragraph (a) of this subsection to the date of the planning decision shall be read as a reference to the date of the decision on the appeal.

(5) The references in subsection (4) of this section to an appeal against a planning decision include an appeal made by virtue of section 34 of the Town and Country Planning (Scotland) Act 1972.

(6) Where—

- (a) a person has given to an acquiring authority an address for service under this section; and
- (b) that authority, before the end of the period mentioned in section 31(1)(a) of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to the dominium utile, or a tenancy, of that land or that part of it, as the case may be,

they shall notify the planning authority; and after that it shall be the duty of the planning authority to give notice to the acquiring authority of any planning decision of which the acquiring authority are required to give notice under subsection (2) of this section.

(7) Notice under subsection (6) of this section of a planning decision—

- (a) in the case of a decision made by the planning authority, shall be given within seven days after the making of the decision; and
- (b) in any other case, shall be given within seven days after the making of the decision has been notified to the planning authority.

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

33 Extension to planning permission where no planning decision made

- (1) The provisions of sections 31 and 32(1) of this Act shall have effect in relation to any planning permission falling within column 1 of the following table for any development as if a planning decision granting that permission had been made on the date shown in column 2.

| | |
|--|--|
| Permission granted by a development order | When development is initiated |
| Permission granted by the adoption or approval of a simplified planning zone scheme | When the scheme is approved or adopted |
| Permission granted by an order designating an enterprise zone | When the designation takes effect |
| Permission deemed to be granted by a direction under section 37 of the Town and Country Planning (Scotland) Act 1972 | When the direction is given |
| Permission deemed to be granted by a planning authority | The occurrence of the event in consequence of which the permission is deemed to be granted |

- (2) Where the provisions of section 31 of this Act have effect as applied by subsection (1) of this section in relation to any planning permission falling within column 1 of that table for any development, then if—

- (a) before the date shown in column 2, a person who (under section 32(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority; and
- (b) the development is proposed to be carried out by the acquiring authority or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall, subject to subsection (3) of this section, be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the person mentioned in paragraph (a) of this subsection at the address given by him to the authority.

- (3) An acquiring authority shall not be required by virtue of subsection (2) of this section to give notice of proposed

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development to the person mentioned in section 32(1)(a) of this Act if—

- (a) an address for service has been given to them by such a person as is mentioned in section 32(1)(b) of this Act; and
 - (b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act.
- (4) A claim for compensation under section 31 of this Act in respect of a planning permission falling within column 1 of that table shall not have effect if made more than six months after the following date, that is to say—
- (a) if the claim is made by a person to whom notice has been given under subsection (2) of this section, the date on which the notice was given;
 - (b) in any other case, the date shown in column 2.

34 Extension to Crown development

(1) Where—

- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and before the end of the period of ten years beginning with the date of completion there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and
- (b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required,

the provisions of sections 31 and 32(1) of this Act shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The circumstances referred to in subsection (1) of this section are either or both of the following—

- (a) that the development is initiated by or on behalf of the Crown;
- (b) that there is a Crown interest in the land and the development is initiated in right of that interest.

(3) Where—

- (a) the provisions of section 31 of this Act have effect as applied by subsection (1) of this section in relation to the initiation of any development; and
- (b) before the development is initiated a person who (under section 32(1) of this Act as so applied) is entitled to give an address for service under that

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section has given such an address to the acquiring authority,

it shall, subject to subsections (4) and (5) of this section, be the duty of the acquiring authority to give notice in the prescribed form of the initiation of the development to the person mentioned in paragraph (b) of this subsection at the address given by him to the authority.

(4) Where—

- (a) by virtue of subsection (3) of this section, it is the duty of a government department to give notice of development initiated by or on behalf of that department; and
- (b) the Minister in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate,

the department shall give notice of development, but shall not be required to give any particulars of the nature of the development except to the extent specified in the certificate.

(5) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in section 32(1)(a) of this Act if—

- (a) an address for service has been given to them by such a person as is mentioned in section 32(1)(b) of this Act; and
- (b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act.

(6) A claim for compensation under section 31 of this Act in respect of the initiation of any development shall not have effect if made more than six months after the following date, that is to say—

- (a) if the claim is made by a person to whom notice has been given under subsection (3) of this section, the date on which the notice was given;
- (b) in any other case, the time the development is initiated.

(7) In this section “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.

35 Application of Part V to certain cases

The preceding provisions of this Part of this Act shall have effect subject to the provisions of the Third Schedule to this Act.

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36 Regulations for purposes of Part V

- (1) The Secretary of State may by statutory instrument make regulations for prescribing the form of any notice required by this Part of this Act to be given in the prescribed form.
- (2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

37 Interpretation of Part IV

- (1) In this Part of this Act—
 - “additional development”, in relation to an acquisition or sale of an interest in land, means any development of the land other than the following, that is to say—
 - (a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;
 - (b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;
 - (c) development for which planning permission was in force on the relevant date;
 - (d) in the case of compulsory acquisition, development for which it was assumed (in accordance with the provisions of sections 22 to 24 of this Act) for the purpose of assessing compensation that planning permission would be granted; and
 - (e) in the case of a sale by agreement, development for which, if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date, it would have been so assumed;
 - “date of completion”, in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority;
 - “local authority” means a regional, islands or district council;
 - “prescribed” means prescribed by regulations under this Part of this Act;
 - “the relevant date”, in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat and, in relation to a sale

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of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

(2) In this Part of this Act any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission (including where applicable outline permission) for that development—

- (a) either unconditionally or subject to conditions; and
- (b) either in respect of that land taken by itself or in respect of an area including that land.”

2 After Schedule 2 to that Act there is inserted—

“THIRD
SCHEDULE

APPLICATION OF PART V TO CERTAIN CASES

Disturbance, severance and injurious affection

1 Subject to paragraph 2 of this Schedule, any reference in section 31 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.

2 If the person entitled to the compensation under section 31 of this Act—

- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in other land contiguous or adjacent to the land acquired or purchased; but
- (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;

any reference in section 31 of this Act to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

3 In determining for the purposes of section 31 of this Act the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

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- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 14 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land; but
- (b) at the time of the planning decision the person entitled to the compensation under section 23 of this Act is not entitled to the interest or is entitled to it only as respects part of the contiguous or adjacent land,

the amount specified in section 31(2) and the principal amount or purchase price mentioned in section 31(1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part of the land.

Land held subject to heritable security

- 4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.
- 5 For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a heritable security.
- 6 No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement where the interest acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

Land held in trust

- 7 (1) Where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a trust, and accordingly the compensation

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or purchase price was payable to the trustees of that trust, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the trust.

- (2) Where sub-paragraph (1) of this paragraph applies, section 31(4) of this Act shall not apply.
- (3) Any compensation paid to the trustees of the trust by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.
- (4) In this paragraph “trust” has the same meaning as in the Trusts (Scotland) Act 1921.

Interpretation

- 8 References in this Schedule to sections 31 and 32 of this Act include references to those sections as applied by section 33 or 34 of this Act, and references to the time of any planning decision shall be construed accordingly.”

SCHEDULE 17

Section
79.

AMENDMENTS RELATING TO LAND COMPENSATION IN SCOTLAND

PART I

MISCELLANEOUS AMENDMENTS

Compensation for tenants for a year or from year to year

- 1 In section 114 of the Lands Clauses Consolidation (Scotland) Act 1845 (compensation to be made to tenants for a year etc.), for “in his tenancy by the severing of the” there is substituted “by severing”.

Local authority and statutory undertakers' land

- 2 In paragraph 10 (protection of land held by statutory undertakers) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, before “the compulsory purchase order” there is inserted “and, if the representation is not withdrawn,”.
- 3 In paragraph 11 of that Schedule (purchase of open space)—
 - (a) in sub-paragraph (2), after “shall” there is inserted “direct the acquiring authority to”; and
 - (b) after that sub-paragraph there is inserted—

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“(3) Notice under sub-paragraph (2) of this paragraph shall be given in such form and manner as the Secretary of State may direct.”.

Service of documents

- 4 In paragraph 19(4) of that Schedule (service of documents where not practicable to ascertain name or address of owner, etc.), for the words from “premises or” to the end there is substituted “land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land”.

Rules for the assessment of compensation

- 5 In section 12 of the Land Compensation (Scotland) Act 1963 (rules for assessing compensation), in rule (3) (disregard of special suitability of land for any purpose where, in particular, there is no market for that purpose apart from the special needs of a particular purchaser or the requirements of an authority possessing compulsory purchase powers) “the special needs of a particular purchaser or” is omitted.

Expenses in acquiring replacement land

- 6 After section 17 of the Land Compensation (Scotland) Act 1963 there is inserted—

“17A Expenses of owners not in occupation

Where, in consequence of any compulsory acquisition of land—

- (a) the acquiring authority acquire an interest of a person who is not then in occupation of the land; and
- (b) that person incurs incidental charges or expenses in acquiring, within the period of one year beginning with the date of entry, an interest in other land in the United Kingdom,

the charges or expenses shall be taken into account in assessing his compensation as they would be taken into account if he were in occupation of the land.”.

- 7 (1) In section 22(1) of the Land Compensation (Scotland) Act 1963 after “shall” there is inserted “(subject to subsection (3A) of this section)”.
- (2) In section 22(3) of that Act, for the words from “but” to the end there is substituted—

“(3A) In determining—

- (a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land; or

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- (b) whether any of the assumptions mentioned in section 24 of this Act (but not section 23) are applicable to the relevant land or any part thereof,

regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part IV of this Act.”

- 8** In section 25 of that Act—
- (a) for the words from the beginning of subsection (2) to “acquire it” there is substituted “If the authority proposing to acquire the interest”, and
- (b) subsection (8) is omitted.
- 9** In section 27(1) of that Act for “in the circumstances mentioned in section 25(1) of this Act” there is substituted “by an authority possessing compulsory purchase powers”.
- 10** Section 30(3) of that Act is omitted.

Blighted land

- 11** In each of sections 182(1)(c) (power to serve blight notice) and 190(1)(b) (power of heritable creditor to serve blight notice) of the 1972 Act, after “interest” there is inserted “or the land falls within paragraph (d) or (g) of section 181(1) of this Act and the powers of compulsory acquisition remain exercisable”.

Local authority and statutory undertakers' land

- 12** For section 218 (acquisition of land of statutory undertakers) of the 1972 Act, there is substituted—

“218 Acquisition of land of statutory undertakers

- (1) This section applies to any compulsory purchase order under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.
- (2) Paragraph 10 (protection of land of statutory undertakers) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall not apply to such an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it.”

Caravans etc. affected by noise of public works

- 13** (1) After section 18 of the Land Compensation (Scotland) Act 1973 there is inserted—

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“18A Power to make payments in respect of caravans and other structures affected by noise of public works

- (1) The Secretary of State may make regulations empowering responsible authorities to make a payment, not exceeding an amount specified in the regulations, in respect of any dwelling which—
 - (a) is not a building;
 - (b) is occupied by a person as his only or main residence; and
 - (c) is affected or likely to be affected by noise caused by the construction or use of public works.
 - (2) Regulations under this section may—
 - (a) make provision as to the level of noise giving rise to a power under the regulations and the area in which a dwelling must be situated if a power is to arise in respect of it;
 - (b) specify the classes of public works and of dwellings in respect of which a power is to arise, and the classes of persons entitled to make claims, under the regulations; and
 - (c) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed.
 - (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4) Subsections (3), (6) and (11) of section 18 above apply for the purposes of this section as they apply for the purposes of that.”
- (2) This paragraph does not apply in relation to any public works if the relevant date for the purposes of Part I of the Land Compensation (Scotland) Act 1973 fell more than twelve months before the date on which this paragraph comes into force.

Farm loss payments

- 14** (1) Section 31 of the Land Compensation (Scotland) Act 1973 (right to farm loss payment where person displaced from agricultural unit) is amended as follows.
- (2) For subsection (1)(a) (section applies only if whole of land is acquired) there is substituted—
 - “(a) in consequence of the compulsory acquisition of his interest in the whole, or a sufficient part, of that land, he is displaced from the land acquired;”.
 - (3) In subsection (2) (interests qualifying for compensation)—

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- (a) for the words from “lease” where it first appears to “three years” there is substituted “where his interest is as a lessee for a year or from year to year or a greater interest,”; and
- (b) at the end there is inserted “, and “sufficient part” means not less than 0.5 hectares or such other area as the Secretary of State may by order specify”.

(4) After that subsection there is inserted—

“(2A) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- (5) At the end of subsection (3)(a) (meaning of displacement) there is added “or on any date after the making or confirmation of the compulsory purchase order but before being required to do so by the acquiring authority”.
- (6) Subsection (6) is omitted.

*Notice to quit agricultural holding; right
to opt for notice of entry compensation*

- 15** At the end of section 55(7) of the Land Compensation (Scotland) Act 1973 (which does not apply where land was Crown land at time of agreement to acquire it) there is inserted “and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord’s interest were not an interest in Crown land (as defined by section 253(7) of the Town and Country Planning (Scotland) Act 1972).”

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

Land Compensation (Scotland) Act 1963 (c. 51)

- 16** In section 28 (power to prescribe matters relevant to Part IV) of the Land Compensation (Scotland) Act 1963, for the words “The provisions which may be made by a development order shall” there are substituted the words “Regulations made under section 273(1) (c) of the Town and Country Planning (Scotland) Act 1972 or a development order may”.

The 1972 Act

- 17** In section 181 of the 1972 Act (blighted land) for paragraph (h) of subsection (1) there is substituted—
- “(h) is land comprised in the site of a road as proposed to be constructed, improved or altered by the Secretary of State if he has given written notice of the proposal,

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together with maps or plans sufficient to identify the land in question, to the planning authority;”.

- 18** In section 273 (regulations) of the 1972 Act, after subsection (1)(b) there is inserted “and
- (c) for any of the purposes mentioned in section 28 (power to prescribe matters relevant to Part IV) of the Land Compensation (Scotland) Act 1963;”.

Land Compensation (Scotland) Act 1973 (c. 56)

- 19** In section 24 (acquisition of land in connection with public works) of the Land Compensation (Scotland) Act 1973—
- (a) in subsection (2) for the word “vendor” there shall be substituted the word “seller”, and
 - (b) in subsection (5), for “and (2)” there is substituted “(2) and (2A)”.
- 20** (1) Section 27 of that Act is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (ii), “passed the resolution” is omitted;
 - (b) “and” following paragraph (iii) is omitted; and
 - (c) after paragraph (iv) there is inserted “and”.
 - (3) In subsection (4), for paragraph (b) there is substituted—
 - “(b) a right to occupy the dwelling-house—
 - (i) as a statutory tenant within the meaning of the Rent (Scotland) Act 1984; or
 - (ii) under a contract to which Part VII of that Act applies or would apply if the contract or dwelling-house were not excluded by section 63(3) to (5) or under section 64(3) respectively of that Act; and”.

- 21** In section 48 (right to advance payment of compensation) of that Act—
- (a) in subsection (8), after “the amount of the advance payment” there is inserted “together with any amount paid under section 48A”, and
 - (b) in subsection (9), the words following “unpaid” are omitted.

Local Government, Planning and Land Act 1980 (c. 65)

- 22** After section 141(5) of the Local Government, Planning and Land Act 1980 there is inserted—
- “(5B) No compensation is payable, by virtue of an order under this section, under Part V of the Land Compensation (Scotland) Act 1963”.

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SCHEDULE
18

Section
80.

COMPENSATION PROVISIONS REFERRED TO IN SECTION 80

PART I

PROVISIONS THAT DO NOT PROVIDE FOR INTEREST

Enactments extending to Great Britain

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| Section 10(4)(a) of the Forestry Act 1967 | Date of claim for compensation |
| Section 18(1)(a) of the Reservoirs Act 1975 | Date of entry on the land |
| Section 18(1)(b) of that Act | Date of claim for disturbance |
| Section 7 of the Ancient Monuments and Archaeological Areas Act 1979 | Date of the refusal, or grant subject to conditions, of scheduled monument consent |
| Section 9 of that Act | Date works ceased to be authorised |
| Section 46 of that Act | Date of entry on the land |
| <i>Enactments extending to England and Wales</i> | |
| Section 31(3) of the Land Compensation Act 1961 | Date of withdrawal of notice to treat |
| Section 11(3) of the Compulsory Purchase Act 1965 | Date of entry on the land |
| Section 17(5) of the Land Drainage Act 1976 (including that provision as applied by section 33(4) or 39(4)) | Date of claim |
| Section 44(3) of that Act | Date of claim |
| Section 93(7) of that Act | Date of claim |
| Section 23 of the Highways Act 1980 | Date which would be the date from which interest is payable if the works were executed under Part V by a highway authority |
| Section 28(1) of that Act | Date of claim |
| Section 73(9) of that Act | Date of claim |
| Section 74(8) of that Act | Date of claim |
| Section 77(2) of that Act | In the case of damage sustained by reason of expenditure, the date |

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| | on which the damage is sustained; otherwise the date of claim |
| Section 79(11) of that Act | In the case of loss, the date of the notice; and in the case of injurious affection, the date of claim |
| Section 79(12) of that Act | Date of service of the notice |
| Section 126(2) of that Act | Date of claim |
| Section 231 of that Act | In the case damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim |
| Section 292(1) of that Act | In the case of damage, the date of entry; in the case of disturbance, the date of claim |
| Section 57 of the Public Health (Control of Disease) Act 1984 | In the case damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim |
| Section 106 of the Building Act 1984 | In the case damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim |
| Paragraph 5 of Schedule 14 to the Water Act 1989 | Date of the entry upon or occupation or use of the land |
| Paragraph 6(2) or (3) of that Schedule | Date of the order under section 131 |
| Paragraph 6(4) of that Schedule | Date of decision to prohibit or limit taking of water |
| Paragraph 6(5) of that Schedule | Date of suspension or variation of consent to make discharges or of the attachment of conditions to such consent |
| Paragraph 6(1) of Schedule 19 to that Act | Date of claim |
| Paragraph 6(2) or (3) of that Schedule | In the case of loss or damage sustained by reason of expenditure, the date on which the loss or damage is sustained; otherwise the date of claim |
| Paragraph 8(2)(b) of that Schedule | Date loss is caused or damage done |
| Paragraph 8(1) of Schedule 20 to that Act | Date of claim |
| Paragraph 8(2) or (3) of that Schedule | In the case of loss or damage sustained by reason of expenditure, the date on which the loss or damage is sustained; otherwise the date of claim |

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| Paragraph 8(4) of that Schedule | Date loss is caused or damage done |
| Section 107(1) of the principal Act | Date of order under section 97 |
| Section 107(1) of that Act as applied by section 108(1) | Date planning permission is refused or granted subject to conditions |
| Section 115 of that Act | Date damage suffered or expenses incurred |
| Section 144(2) of that Act | Date of direction under section 141(3) |
| Section 186 of that Act | Date of service of stop notice |
| Section 203 of that Act | Date consent required by tree preservation order is refused or granted subject to conditions |
| Section 204 of that Act | Date direction is given by local planning authority or Secretary of State |
| Section 223 of that Act | Date expenses incurred |
| Section 250 of that Act | Date of order under section 249(2) |
| Section 279(1) of that Act | Date of decision made in accordance with section 266 or of order under section 97 |
| Section 279(2) of that Act | Date right extinguished or requirement imposed |
| Section 28 of Planning (Listed Buildings and Conservation Areas) Act 1990 | Date of order under section 23 |
| Section 29 of that Act | Date building preservation notice served |
| Section 16 of the Planning (Hazardous Substances) Act 1990 | Date of order under section 14(1) |
| Section 19 of that Act | Date of modification or revocation of hazardous substances consent |
| <i>Enactments extending to Scotland</i> | |
| Section 2 of the Land Drainage (Scotland) Act 1930 | Date loss is caused or damage done |
| Section 1 of the Land Drainage (Scotland) Act 1941 | Date of injury or damage |
| Section 4 of the Land Drainage (Scotland) Act 1958 | Date damage is suffered |
| Section 39(3) of the Land Compensation (Scotland) Act 1963 | Date of withdrawal of notice to treat |
| Section 56J(8) of the 1972 Act | Date of order revoking or modifying consent |

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

| | |
|---|--|
| Section 56K(12) of the 1972 Act | Date of modification or revocation of consent |
| Section 153 of the 1972 Act | Date of order under section 42 |
| Section 154 of the 1972 Act | Date permission is refused or granted subject to conditions |
| Section 159 of the 1972 Act | Date damage suffered or expenses incurred |
| Section 161 of the 1972 Act | Date of order under paragraph 9 of Schedule 10 |
| Section 162 of the 1972 Act | Date building preservation notice served |
| Section 163 of the 1972 Act | Date consent required by tree preservation order is refused or granted subject to conditions |
| Section 164 of the 1972 Act | Date requirement is imposed by planning authority or Secretary of State |
| Section 165 of the 1972 Act | Date expenses incurred |
| Section 166 of the 1972 Act | Date of service of stop notice |
| Section 167A of the 1972 Act | Date order made |
| Section 176 of the 1972 Act | Date of direction under section 172(3) |
| Section 201(5) of the 1972 Act | Date on which order takes effect |
| Section 226 of the 1972 Act | Date planning permission refused or granted subject to conditions |
| Section 10 of the Water (Scotland) Act 1980 | Date damage sustained |
| Schedule 6 to that Act | Date source or land is affected or injury is sustained |
| Section 71 of the Roads (Scotland) Act 1984 | Date access stopped up or limited |
| Section 72 of that Act | Date access stopped up |
| Section 83(8) of that Act | As regards expenses, date expenses incurred; as regards injurious effect, date injury sustained |
| Section 88(2) of that Act | Date on which damage sustained |
| Section 106 of that Act | As regards compulsory acquisition, date on which compulsory purchase notice first published; as regards acquisition by agreement, date agreement made. |
| Section 116 of that Act | Date on which damage sustained |
| Section 121 of that Act | Date on which damage done or materials removed |

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

Section 140 of that Act

Date of damage or disturbance

PART II

PROVISIONS THAT PROVIDE FOR INTEREST

Enactments extending to England and Wales

Section 23 of the Land Compensation Act 1961 (permission for additional development granted after acquisition).

The following provisions of the Compulsory Purchase Act 1965—

section 5 (notice to treat ceasing to have effect), and

section 11(1) (entry on land under compulsory purchase powers).

The following provisions of the Land Compensation Act 1973—

section 18 (claims under Part I of that Act),

section 36(6) (farm loss payment),

section 37(6) (disturbance payments), and

section 63(1) (injurious affection payments under section 10 of the Compulsory Purchase Act 1965).

Rule 38 of the Lands Tribunal Rules 1975 (awards with interest by Lands Tribunal).

Enactments extending to Scotland

Sections 84 to 86 of the Lands Clauses Consolidation (Scotland) Act 1845.

Paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

Section 31 (compensation where planning decision made after acquisition) of the Land Compensation (Scotland) Act 1963.

The following provisions of the Land Compensation (Scotland) Act 1973—

section 16 (interest on compensation),

section 33(6) (supplementary provisions about farm loss payments),

section 34(5) (disturbance payments for people without compensatable interests),

section 59 (interest on compensation for injurious affection where no land taken).

Section 78 of this Act.

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

SCHEDULE
19

Section
84.

REPEALS

PART I

PLANNING: ENGLAND AND WALES

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|---|---|
| 1976 c. 57. | Local Government (Miscellaneous Provisions) Act 1976. | In section 7(5) paragraph (a)(iii). |
| 1990 c. 8. | Town and Country Planning Act 1990. | In section 12(4)(a), “other” (in the second place where it occurs) and “or for any description of development or other use of such land”.Section 14(3).In section 21(2) “Subject to section 22”.Section 22.Section 23(2) to (4), (9) and (10).In section 49 “repeal”.In section 50, in subsection (1) “for the repeal and”, subsections (2) and (3), in subsections (4) and (5) “repeal and”, in subsection (6) “repeal”, in paragraph (a) the words from the beginning to “except that”, “or 40(2) (a)” and “or 40(3)” and in paragraph (b) “and they may do so as respects any part of their area to which the proposals relate” and in subsection (8) “repeal” and “in accordance with the provisions of the relevant local plan scheme”.In section 51(1) “repeal” (in both places).Section 52(2) and (3).In section 53, in subsections (1) and (2)(b) “repeal”, in subsection (2) |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--------------------|--|
| | | (g) “repealing” and subsection (5).Section 55(6).Section 63.Section 64.In section 69, in subsection (1) “made to that authority” and in subsection (3) “made to the authority”.In section 74(2) “section 71 of this Act and”.In section 97(5) the words from “and Part II of Schedule 5” to the end.In section 176(4) “in writing”.In section 178(2) “(as defined in section 172(3))”.In section 186(1)(c) the words from “or for its retention” to “granted”.In section 188(1) the “and” immediately preceding paragraph (b).Section 190(4).In section 196 “an application referred to him under section 192(5) or” (in subsection (1)), and “an application or” (in subsection (3)), and subsections (5) to (7).In section 198(4)(a) “to 68”.In section 210, in subsection (3) “on indictment” and subsection (5).Section 219(6).In section 220(3) (a) “to 68”.Section 221(7) to (9).Section 250(2).Section 266(3).In section 284, in subsection (1)(a) “repeal” (in both places) and in subsection (3) (g) the words from “on an application” to “or”.In section 285, in subsection (1) “Subject to the provisions of this section”, in subsection (2) “(6) to (8)” and subsections (5) |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--------------------|--|
| | | and (6).Section 286(1) (b).In section 287(1), (2), (3) and (5) “repeal” in each place where it occurs.Section 290.In section 306(2) “repeal”.In section 324, in subsection (1) (b) “198 to 200”, in subsection (1)(c) “Part VII” and subsection (2).In section 336(1), the definitions of “development consisting of the winning and working of minerals”, “established use certificate” and “mineral compensation modifications”, in the definition of “owner” the words “(except in sections 66, 67 and 71)”, in the definition of “planning permission” the words from “and in construing” to the end, the definitions of “relevant order”, “restriction on the winning and working of minerals” and “special consultations” and in section 336(9) “(1 to (3)”.In Schedule 1, paragraphs 1(2), 3(3) to (6), 4(1) and 9(2) and (3).In Schedule 2, in Part I paragraphs 3, 5 and 6, and in Part II paragraphs 3 to 16 and 18.In Schedule 5, in paragraph 1(6) “consisting of the winning and working of minerals”.In Schedule 6, in paragraph 2, in sub-paragraph (1)(c) “and subsection (5) of section 196” and in sub- paragraph (8) “or 290”.In Schedule 7, in paragraph 13(2)(e) the words from |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--|---|
| | | “for the purpose” to “6(2)”. Schedule 11. In Schedule 13, Notes (2) and (5) to paragraph 2, in Note (3) to paragraph 2 “also”, in Note (1)(b) to paragraph 3 “or under section 22”, in Note (2) to paragraph 3 “13(7) or”, in Note (1)(b) to paragraph 4 “or under section 22” and in Note (2) to paragraph 4 “13(7) or”. In Schedule 16, in Part I, in the entry relating to section 77 “(2) and (9), 66 and 67”, in the entry relating to sections 78 and 79 the words from “with” to the end and in the entry relating to section 285 “except subsections (5) and (6)”; and in Part III, the entries relating to sections 312(2) and 324(4); and Parts IV and V. |
| 1990 c. 9. | Planning (Listed Buildings and Conservation Areas) Act 1990. | In section 9(5) “on indictment”. In section 38(2) “within such period as may be so specified”. In section 39(7) “in writing”. Section 42(7). Section 55(6). In section 88(6) “or the presence of minerals in it”. In section 90(6) (b) “and 42(6)”. In section 92(2)(b) “and 42(6)”. |
| 1990 c. 10. | Planning (Hazardous Substances) Act 1990. | In section 25(1)(c) “(1) to (5) and (7)”. In section 36(5) “Subject to subsection (6)”. |
| 1990 c. 11. | Planning (Consequential Provisions) Act 1990. | In Schedule 2, paragraphs 3(2), 35(1)(b) and 38. In Schedule 4, in paragraph 1, in the Table the entry relating to section 9(4) |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--------------------|---|
| | | of the 1971 Act and paragraph 2 of the Schedule, and paragraph 2 of the Schedule. |

PART II

PLANNING COMPENSATION REPEALS

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|---|--|
| 1961 c. 33. | Land Compensation Act 1961. | In section 15(4) paragraphs (a) and (b). |
| 1965 c. 36. | Gas Act 1965. | In Schedule 3, paragraph 3. |
| 1968 c. 14. | Public Expenditure and Receipts Act 1968. | In Schedule 3, paragraph 7(b). |
| 1973 c. 26. | Land Compensation Act 1973. | In section 5(3), paragraphs (a) and (b). |
| 1982 c. 16. | Civil Aviation Act 1982. | In section 53(1)(a) “114”. |
| 1986 c. 31. | Airports Act 1986. | In section 61(1)(a) “114”. |
| 1990 c. 8. | Town and Country Planning Act 1990. | Section 55(6).Sections 80 and 81.In section 111(1) and (2) “new” (in both places).In section 112, in subsection (9) “new”, subsection (12)(a) and in subsection (13) “paragraph (a) or paragraph (b) of”.Sections 113 and 114.Part V.In section 198(4)(a) “80, 81”.In section 220(3)(a) “80, 81”.In section 262(4) and (7)(a) “123”.In section 263(3) “123(3) and (4)”.Section 284(3) (c).In section 308, in subsection (1)(b) “or 132(1)”, in subsection (2) “or, as the case may be, section 132(4)” and in subsection (6) “and in section 309”.Section 309.In section 310 “or |

The repeals in Part II have effect subject to section 31(7) and (8) of this Act and paragraphs 1(2), 5(2) and 13(2) of Schedule 6.

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--|---|
| | | 309”.In section 311(1) (b) “or V”.Section 312.In section 313 “Without prejudice to section 312, and”.In section 315(2), the words from “and in relation” to “in respect of such land”.Section 324(4).Sections 326 and 327.In section 336(1) the definitions of “new development” and “previous apportionment”.In Schedule 1, in paragraph 16(1) “114”.In Schedule 3, paragraphs 3 to 8, 11 and 14.Schedule 12.In Schedule 16, in Parts III and VI, the entries relating to Schedule 12. |
| 1990 c. 9. | Planning (Listed Buildings and Conservation Areas) Act 1990. | Section 27.In section 30, subsection (1)(a) and in subsection (2) “27”.In section 49 the words from “other than” to the end.In section 88(4) “27”.In section 91(2) “new development”. |
| 1990 c. 11. | Planning (Consequential Provisions) Act 1990. | In Schedule 2, paragraphs 12(3)(a), 18, 24(3)(a) (i) and, in paragraph 29(2) paragraph (a) and, in paragraph (b), subparagraphs (i) and (ii). |

The repeals in Part II have effect subject to section 31(7) and (8) of this Act and paragraphs 1(2), 5(2) and 13(2) of Schedule 6.

PART III

LAND COMPENSATION: ENGLAND AND WALES

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|-----------------------------|---|
| 1961 c. 33. | Land Compensation Act 1961. | In section 5, in rule (3), “the special needs of a particular purchaser |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|---|--|
| 1973 c. 26. | Land Compensation Act 1973. | or”.Section 17(8).Section 22(3). In section 29, in subsection (1) “passed the resolution” in paragraph (ii) and the “and” following paragraph (iii), in subsection (3A) the words from “of the service” to “(1)(b) above” and subsection (5).Section 34(6).In section 52(10), the words following “unpaid”. |
| 1973 c. 56. | Land Compensation (Scotland) Act 1973. | In Part II of Schedule 2, the entry for section 33(4) of the Land Compensation Act 1973. |
| 1980 c. 65. | Local Government, Planning and Land Act 1980. | Section 114(2). |
| 1981 c. 67. | Acquisition of Land Act 1981. | Section 20.Paragraph 7 of Schedule 3. |
| 1985 c. 71. | Housing (Consequential Provisions) Act 1985. | In Schedule 2, paragraph 24(2)(c). |
| 1986 c. 63. | Housing and Planning Act 1986. | Section 9(3)(c). |
| 1990 c. 8. | Town and Country Planning Act 1990. | In section 231, the words from “for a purpose” to “is situated”. |
| 1990 c. 11. | Planning (Consequential Provisions) Act 1990. | In Schedule 2, paragraph 29(4). |

PART IV

SCOTLAND

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--|--|
| 1963 c. 51 | Land Compensation (Scotland) Act 1963. | In section 12, in rule 3, the words “the special needs of a particular purchaser or”.Section 23(4)(a) and (b).Section 25(8).Section 30(3). |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--|---|
| 1965 c. 36. | Gas Act 1965. | In Schedule 3, paragraph 3. |
| 1968 c. 14. | Public Expenditure and Receipts Act 1968. | In Schedule 3, paragraph 7(a). |
| 1972 c. 52. | Town and Country Planning (Scotland) Act 1972. | Section 19(5).In section 28(1), the words “Subject to the provisions of section 26(2) to (5) of this Act,”.Section 35.Section 36.In section 41A(6) and (7), the words “consisting of the winning and working of minerals”.Section 51.In section 58(2) (a), “35, 36,”.Section 61(6).In section 85, in subsection (5), the words “or for varying the terms of the notice in favour of the appellant”; and subsection (11).In section 88(1), the words “(other than the discontinuance of a use of land)”.In section 88(2), the words “(as defined in section 84(2) of this Act)”.Section 91(3) and (5).In section 93, subsection (1)(k) and, in subsection (5), the words “or for varying the terms of the notice in favour of the appellant”.In section 98(1), the words “on indictment” where second occurring.Section 98(3).Section 101(1) and, in subsection (2), the words from “Without” to “this section”.In section 106, the words from “other than” to the end.Part VII (except section 145).Section 153A.In section 155(5), the words from “and subsection (5)” to the end.In section 155(6), the |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--|---|
| | | words “and in section 156 of this Act”.Section 156.Section 157(1).In section 157(3), the words from “(a)” to “(b)” and, in the proviso, the words “paragraph (a) or”.Section 157(4).Section 158.Section 159A.Section 159B.Section 160.In section 166(2)(c), the words from “or for its retention” to “granted”.Section 167B.Section 167C.Section 169(3).In section 201(5), the definition of “lawful access”.Section 214(3).Section 231(3) (c).Section 234.In section 244(2), the words from “subsection (4)” to “applied by”.Section 245.In section 246, the words “or 245”.Section 248.In section 249, the words “Without prejudice to section 248 of this Act, and”.In section 251(1A), the definition of “development consisting of the winning and working of minerals”.Section 263. |
| | Section 264.In section 265, in subsection (1)(b), the words “58 or”; subsection (2A)(a); in subsection (4), the words “or 99”; and in subsection (5), the words “Part VII of”.In section 275(1), the definitions of “development consisting of the winning and working of minerals”, “established use certificate”, and “new | |

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

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|---|---|
| | development”; in the definition of “planning permission” the words from “and in construing” to the end; and the definition of “previous apportionment”.In Schedule 6, paragraphs 3 to 9 and 12.In Schedule 6A, in paragraph 12(2)(e), the words from “for the purpose” to “5(3)”.In Schedule 7, in paragraph 2(1)(c), the words “and (3)”.Schedules 12 to 15.In Part I of Schedule 19, “section 158 except subsection (5)”. | |
| 1973 c. 56. | Land Compensation (Scotland) Act 1973. | Section 5(3)(a) and (b).In section 27, in subsection (1), the words “passed the resolution” in paragraph (ii), and the word “and” following paragraph (iii); and subsection (5).Section 31(6).Section 48(9)(b).In Part II of Schedule 2, the entry for section 33(4) of the Land Compensation Act 1973. |
| 1980 c. 65. | Local Government, Planning and Land Act 1980. | Section 114(2). |
| 1982 c. 16. | Civil Aviation Act 1982. | In section 53(1)(a), the word “158”. |
| 1986 c. 31. | Airports Act 1986. | In section 61(1)(a), the word “158”. |

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

PART V

NEW STREET BYELAWS

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|-------------------------------------|---|
| 1980 c. 66. | Highways Act 1980. | Part X. Section 203(2)(b)(ii). In section 232(9), in the definition of “byelaw width”, the word “byelaws”. In section 307(1) the words “193, 200(2)”. Section 325(1)(c). In section 326(1) the words “or 186”. In Schedule 22 paragraph 4. In Schedule 23 paragraphs 10 and 11. |
| 1985 c. 51. | Local Government Act 1985. | In Schedule 4, paragraphs 29 to 32. |
| 1985 c. 68. | Housing Act 1985. | In section 622, in the definition of “building regulations”, paragraph (b). |
| 1990 c. 8. | Town and Country Planning Act 1990. | In paragraph 2 of Schedule 17 the words —“Sections 188, 193 and 196Section 200(2) and (4)”. In Schedule 17, in paragraph 3, subparagraphs (a) and (c)(iii).” |

The repeals in Part V are subject to the savings in section 81(2) of this Act.
