

## SCHEDULES

### SCHEDULE 6

Section 31.

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

##### *Land Compensation Act 1961 (c. 33)*

- 1 (1) In section 15 of the Land Compensation Act 1961 (assumptions not directly derived from development plans)—
- (a) for subsection (3) there is substituted—
- “(3) Subject to subsection (4) of this section, it shall be assumed that, in respect of the relevant land or any part of it, planning permission would be granted—
- (a) subject to the condition set out in Schedule 10 to the Town and Country Planning Act 1990, for any development of a class specified in paragraph 1 of Schedule 3 to that Act; and
- (b) for any development of a class specified in paragraph 2 of Schedule 3 to that Act.”; and
- (b) in subsection (4), paragraphs (a) and (b) are omitted.
- (2) This paragraph shall have effect, or be treated as having had effect, in relation to compensation which fell or falls to be assessed by reference to prices current on 16th November 1990 or on any subsequent date.

##### *Gas Act 1965 (c. 36)*

- 2 In Schedule 3 to the Gas Act 1965, paragraph 3 is omitted.

##### *Public Expenditure and Receipts Act 1968 (c. 14)*

- 3 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees) in paragraph 7, sub-paragraph (b) is omitted.

##### *Post Office Act 1969 (c. 48)*

- 4 In Schedule 9 to the Post Office Act 1969 (transitional provisions) in paragraph 27(7) for “Parts V and XII of the Town and Country Planning Act 1990” there is substituted “Part XII of the Town and Country Planning Act 1990”.

##### *Land Compensation Act 1973 (c. 26)*

- 5 (1) In section 5 of the Land Compensation Act 1973 (assessment of compensation: assumptions as to planning permission)—
- (a) for subsection (2) there is substituted—

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“(2) Subject to subsection (3) below, it shall be assumed that, in respect of the land in which the interest subsists (“the relevant land”) or any part of it, planning permission would be granted—

- (a) subject to the condition set out in Schedule 10 to the Town and Country Planning Act 1990, for any development of a class specified in paragraph 1 of Schedule 3 to that Act; and
- (b) for any development of a class specified in paragraph 2 of Schedule 3 to that Act.”; and

(b) in subsection (3), paragraphs (a) and (b) are omitted.

- (2) This paragraph shall have effect, or be treated as having had effect, where the relevant date for the purposes of Part I of the Land Compensation Act 1973 fell or falls on or after 16th November 1990.

*Civil Aviation Act 1982 (c. 16)*

- 6 In section 53(1)(a) of the Civil Aviation Act 1982 “114,” is omitted.

*Airports Act 1986 (c. 31)*

- 7 In section 61(1)(a) of the Airports Act 1986 “114,” is omitted.

*The principal Act*

- 8 The principal Act is amended as follows.

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

- 10 In section 56(5) (time when development begun) for paragraph (b) there is substituted—

“(b) development of a class specified in paragraph 1 or 2 of Schedule 3;”.

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

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

- 13 (1) In section 107(4) (compensation where planning permission revoked or modified) for “for any development of the land of any class specified in Schedule 3” there is substituted “—

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

- (2) This paragraph shall have effect, or be treated as having had effect, in relation to claims made on or after 16th November 1990.

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

- 15 In section 111 (recovery of compensation under section 107 on subsequent development)—

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- (a) in subsections (1) and (2) “new”, in both places where it occurs, is omitted;
  - (b) in subsection (2) for “and (4)” there is substituted “to (5)”; and
  - (c) for subsection (5) there is substituted—
    - “(5) This section does not apply to any development—
      - (a) of a class specified in paragraph 1 of Schedule 3 which is carried out in accordance with the condition set out in Schedule 10; or
      - (b) of a class specified in paragraph 2 of Schedule 3.”
- 16 In section 112 (amount recoverable under section 111 and provisions for payment or remission of it) the following are omitted—
- (a) in subsection (9), “new”;
  - (b) in subsection (12), paragraph (a); and
  - (c) in subsection (13), “paragraph (a) or paragraph (b) of”.
- 17 Section 113 (contribution of Secretary of State where compensation could have been claimed under Part V) is omitted.
- 18 In section 138(2)(a) (circumstances in which land incapable of reasonably beneficial use) for “new development,” there is substituted “development other than any development specified in paragraph 1 or 2 of Schedule 3;”.
- 19 In section 144 (special provisions as to compensation where purchase notice served)
- (a) in subsection (2)(b), for “existing use value” there is substituted “Schedule 3 value”; and
  - (b) in subsection (6), for the definition of “existing use value” there is substituted—
    - ““Schedule 3 value”, in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—
      - (a) subject to the condition in Schedule 10, for any development of a class specified in paragraph 1 of Schedule 3; and
      - (b) for any development of a class specified in paragraph 2 of Schedule 3.”
- 20 In section 198(4)(a) (tree preservation orders) “80, 81” is omitted.
- 21 In section 220(3)(a) (advertisement regulations) “80, 81” is omitted.
- 22 In section 262(4) and (7)(a) (meaning of “statutory undertakers”) “123” is omitted.
- 23 In section 263(3) (meaning of “operational land”) “123(3) and (4)” is omitted.
- 24 In section 284(3) (validity of orders, etc.) paragraph (c) is omitted.
- 25 (1) In section 298 (supplementary provisions as to Crown and Duchy interests) for subsections (1) and (2) there is substituted—
- “(1) Where there is a Crown interest in any land, sections 109 to 112 shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest.

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- (2) Where there is a Duchy interest in any land, those sections shall have effect in relation to that interest or any private interest as if the Duchy interest were a private interest.”
- (2) In subsection (3) of that section for “the provisions of this Act referred to in subsection (1)(a)” there is substituted “sections 109 to 112”.
- (3) This paragraph does not affect the operation of Schedule 3 to the Planning (Consequential Provisions) Act 1990 in relation to any private interest or Duchy interest (as defined in section 293 of the principal Act).
- 26 (1) In section 308 (recovery from acquiring authorities of sums paid by way of compensation)—
- (a) in subsection (1)(b), “or 132(1)” is omitted;
- (b) in subsection (2), “or, as the case may be, section 132(4)” is omitted; and
- (c) in subsection (6) “and in section 309” is omitted.
- (2) Any amount recoverable under that section, by reason of a notice registered under section 132(1), which has not been paid shall cease to be recoverable.
- 27 Section 309 (recovery from acquiring authorities of sums paid in respect of war-damaged land) is omitted.
- 28 In section 310 (sums recoverable from acquiring authorities reckonable for purposes of grant) “or 309” is omitted.
- 29 In section 311(1)(b) (expenses of government departments) “or V” is omitted.
- 30 Section 312 (payments under s. 59 of 1947 Act and Parts I and V of 1954 Act) is omitted.
- 31 In section 313 (general provision as to receipts of Secretary of State) “Without prejudice to section 312, and” is omitted.
- 32 In section 315(2) (power to modify Act in relation to minerals) the words from “and in relation” to “in respect of such land” are omitted.
- 33 In section 318(5) (ecclesiastical property) for “112, 133 or 327” there is substituted “or 112”.
- 34 In section 324 (rights of entry) subsection (4) is omitted.
- 35 Section 326 (assumptions as to planning permission in determining value of interests in land) is omitted.
- 36 Section 327 (recovery on subsequent development of payments in respect of war-damaged land) is omitted.
- 37 In section 328(1) (settled land, etc.) for “112, 133 or 327” there is substituted “or 112”.
- 38 In section 336(1) (interpretation) the definitions of “new development” and “previous apportionment” are omitted.
- 39 In Schedule 1 (distribution of functions) in paragraph 16(1) “114” is omitted.
- 40 (1) In Schedule 3 (existing use development, etc.), paragraphs 3 to 8, 11 and 14 are omitted.

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(2) In paragraph 10(2) of that Schedule for “paragraphs 1 and 3” there is substituted “paragraph 1”.

(3) In paragraph 13 of that Schedule for sub-paragraph (2) there is substituted—

“(2) This paragraph does not apply for the purposes of sections 111 and 138.”

41 In Schedule 16 (provisions referred to in sections 314 to 319)—

(a) in Part I for the entry relating to sections 114 and 115 there is substituted—

“Section 115”,

(b) in Parts III and VI, the entries relating to Schedule 12 are omitted.

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

42 (1) In section 30 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (local planning authorities for compensation purposes), in subsection (1), paragraph (a) is omitted.

(2) In subsection (2) of that section “27,” is omitted.

43 In section 31(2) and (4) of that Act (general provisions as to compensation for depreciation under this Part) for “27 to”, in both places where it occurs, there is substituted “28 and”.

44 In section 32(4) of that Act (purchase notices) for “new development” there is substituted “development (other than any development specified in paragraph 1 or 2 of Schedule 3 to the principal Act)”.

45 In section 49 of that Act (compensation on compulsory acquisition of building) the words from “other than” to the end are omitted.

46 In section 88(4) of that Act (rights of entry) “27,” is omitted.

47 (1) In section 90 of that Act (financial provisions), in subsection (2) for “27” there is substituted “28”.

(2) In subsection (7)(a) of that section for “27 to” there is substituted “28 or”.

48 In section 91(2) of that Act (interpretation) “new development” is omitted.

*Planning (Consequential Provisions) Act 1990 (c. 11)*

49 The saving made by paragraph 3 of Schedule 3 to the Planning (Consequential Provisions) Act 1990 (transitional provisions and savings) shall cease to have effect in relation to any right to or claim for or any liability in respect of any payment—

(a) under a scheme made under section 59 of the Town and Country Planning Act 1947;

(b) under any provision of Part I or V of the Town and Country Planning Act 1954.