



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 8

COMPULSORY PURCHASE

Loss payments

107 Occupier's loss payment

- (1) After section 33A of the Land Compensation Act 1973 (inserted by section 106 of this Act) there are inserted the following sections—

“33B Occupier's loss payment: agricultural land

- (1) This section applies to a person if—
- he has a qualifying interest in land for the purposes of section 33A,
 - the land is agricultural land,
 - the interest is acquired compulsorily, and
 - he occupied the land for the period specified in section 33A(4).
- (2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts—
- 2.5% of the value of his interest;
 - the land amount;
 - the buildings amount.
- (3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.
- (4) A payment under this section must be made by the acquiring authority.

Status: This is the original version (as it was originally enacted).

- (5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).
- (6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.
- (7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.
- (8) The land amount is the greater of £300 and the amount found in accordance with the following Table—

<i>Area of the land</i>	<i>Amount per hectare</i>
Not exceeding 100 hectares	£100 per hectare or part of a hectare
Exceeding 100 hectares	(a) £100 per hectare for the first 100 hectares; (b) £50 per hectare for the next 300 hectares or part of a hectare.

- (9) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.
- (10) The gross floor space must be measured externally.

33C Occupier's loss payment: other land

- (1) This section applies to a person if—
- he has a qualifying interest in land for the purposes of section 33A,
 - the land is not agricultural land,
 - the interest is acquired compulsorily, and
 - he occupied the land for the period specified in section 33A(4).
- (2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts—
- 2.5% of the value of his interest;
 - the land amount;
 - the buildings amount.
- (3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.
- (4) A payment under this section must be made by the acquiring authority.
- (5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).
- (6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the

whole interest less the value of so much of the interest as is represented by the dwelling.

- (7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.
- (8) The land amount is the greater of—
- (a) £2,500;
 - (b) £2.50 per square metre (or part of a square metre) of the area of the land.
- (9) But if only part of land in which a person has an interest is acquired, for the figure specified in subsection (8)(a) there is substituted £300.
- (10) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.
- (11) The gross floor space must be measured externally.”
- (2) Sections 33B and 33C of the Land Compensation Act 1973 (c. 26) (as inserted by subsection (1) above) do not apply in relation to a pre-commencement acquisition of an interest in land.
- (3) A pre-commencement acquisition of an interest in land is any of the following—
- (a) acquisition by means of a compulsory purchase order if the order is made or made in draft before the commencement of this section;
 - (b) acquisition by means of an order made under section 1 or 3 of the Transport and Works Act 1992 (c. 42) (orders relating to certain transport works) if the application for the order was made to the Secretary of State before the commencement of this section;
 - (c) acquisition by means of an order under section 1 or 3 of that Act if the order is made in pursuance of section 7 of that Act (orders made without application) and the order is made in draft before the commencement of this section;
 - (d) acquisition by means of a power contained in an enactment (including a private or local Act) to acquire compulsorily specified land or a specified interest in land if the Bill providing for the power is introduced into Parliament before the commencement of this section.