



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 8

#### COMPULSORY PURCHASE

##### *Loss payments*

#### 108 Loss payments: exclusions

- (1) After section 33C of the Land Compensation Act 1973 (inserted by section 107 of this Act) there is inserted the following section—

##### **“33D Loss payments: exclusions**

- (1) This section applies to a person if—
- he is a person to whom section 33A, 33B or 33C applies,
  - a notice falling within subsection (4) has been served on him in relation to the land mentioned in that section,
  - at the relevant time the notice has effect or is operative, and
  - he has failed to comply with any requirement of the notice.
- (2) This section also applies to a person if—
- he is a person to whom section 33A, 33B or 33C applies,
  - a copy of an order falling within subsection (5) has been served on him in relation to the land mentioned in that section, and
  - the order has not been quashed on appeal.
- (3) No payment may be made under section 33A, 33B or 33C to a person to whom this section applies.
- (4) These are the notices—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) notice under section 215 of the Town and Country Planning Act 1990 (power to require proper maintenance of land);
  - (b) notice under section 189 of the Housing Act 1985 (requirement to repair dwelling etc. unfit for human habitation);
  - (c) notice under section 190 of that Act (requirement to repair dwelling etc. in state of disrepair);
  - (d) notice under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (repairs notice prior to compulsory notice of acquisition of listed building).
- (5) These are the orders—
- (a) an order under section 264 of the Housing Act 1985 (closure of dwelling etc. unfit for human habitation);
  - (b) an order under section 265 of that Act (demolition of dwelling etc. unfit for human habitation).
- (6) The relevant time is the time at which the compulsory purchase order in relation to the person's interest in the land—
- (a) is confirmed, in the case of an order falling within section 2(2) of the Acquisition of Land Act 1981 (procedure for authorisation);
  - (b) is made, in the case of an order falling within section 2(3) of that Act.
- (7) The Secretary of State may by regulations amend subsections (4) and (5).”
- (2) Section 33D of the Land Compensation Act 1973 (c. 26) (as inserted by subsection (1) above) does not apply in relation to a notice or order specified in subsection (4) or (5) of that section if the notice or copy of the order was served on a person to whom that section applies before the commencement of this section.