



Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

PART II **E+W**

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

Special Cases

10 ^{F1} **E+W**

Textual Amendments

F1 S. 10 repealed by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 194(4), [Sch. 12 Pt. II](#)

[10A ^{F2}**Expenses of owners not in occupation.** **E+W**

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.]

Textual Amendments

F2 S. 10A inserted (25.9.1991, subject to the restrictions referred to in [S.I. 1991/2067](#), art. 4, [Sch. 2 Pt. I para. 4](#)) by [Planning and Compensation Act 1991](#) (c. 34, SIF 28:1), s. 70(a), [Sch. 15 Pt. I para.2](#) (with s. 84(5)); [S.I. 1991/2067](#), [art.3](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

11 Land of statutory undertakers. **E+W**

In relation to compulsory acquisitions of interest in land which has been acquired by statutory undertakers (within the meaning of [^{F3}the Town and Country Planning Act 1971]) for the purposes of their undertaking, the provisions of this Act shall have effect subject to the provisions of subsection (5) of section forty-five of that Act (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).

Textual Amendments

F3 Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 24 para. 2](#)

Modifications etc. (not altering text)

C1 S. 11 extended by [Post Office Act 1969 \(c. 48\)](#), [Sch. 4 para. 93\(1\)](#) and by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), s. 19(2), [Sch. 2 para. 4](#)

C2 S. 11 modified (1.4.2001) by [2000 c. 38, s. 37](#), [Sch. 5 para. 1\(2\)\(g\)](#) (with s. 106); [S.I. 2001/869, art. 2](#)

12 Outstanding right to compensation for refusal etc. of planning permission. **E+W**

(1) Where, in the case of any compulsory acquisition, a planning decision or order has been made before the service of the notice to treat, and in consequence of the decision or order any person is entitled (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction by the Minister under section twenty-three or section forty-five of the ^{M1}Town and Country Planning Act 1954) to compensation for depreciation of the value of an interest in land which consists of or includes the whole or part of the relevant land, then if—

- (a) no notice stating that the compensation has become payable has been registered before the date of service of the notice to treat (whether or not a claim for compensation has been made); but
- (b) such a notice is registered on or after that date;

the compensation payable in respect of the compulsory acquisition shall be assessed as if the said notice had been registered before the date of service of the notice to treat and had remained on the register of local land charges on that date.

(2) In this section any reference to compensation for depreciation of the value of an interest in land is a reference to compensation payable either—

- (a) under Part II or Part V of the ^{M2}Town and Country Planning Act 1954, in respect of depreciation of the value of that interest, or
- (b) under subsection (1) of section twenty-two of the ^{M3}Town and Country Planning Act 1947, in respect of loss or damage consisting of depreciation of the value of that interest;

any reference to registration is a reference to registration in the register of local land charges under subsection (5) of section twenty-eight of the Act of 1954, or under the provisions of that subsection as applied by section thirty-nine or section forty-six of that Act; and “the relevant provisions”, in relation to compensation under the said Part II or the said Part V, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under the said subsection (1), means the provisions of regulations made under the said Act of 1947 with respect to claims for compensation under that subsection.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Modifications etc. (not altering text)

- C3** References to [Town and Country Planning Act 1954 \(c. 72\)](#), **ss. 23**, 28(5) and 39 and Pts. II and V to be construed as references to [Town and Country Planning Act 1971 \(c. 78\)](#), **ss. 36**, 158(5) and 166 and Pt. VIII: *ibid.*, Sch. 24 Pts. I, VII
- C4** S. 12 applied (with modifications) (30.10.1994) by [S.I. 1994/2716](#), **reg. 97**
- C5** Reference to [Town and Country Planning Act 1947 \(c. 51\)](#), **s. 22(1)** to be construed as reference to [Town and Country Planning Act 1971 \(c. 78\)](#), **s. 166**: *ibid.*, Sch. 24 para. 2

Marginal Citations

- M1** 1954 c. 72.
M2 1954 c. 72.
M3 1947 c. 51.

13 ^{F4} **E+W**

Textual Amendments

- F4** S. 13 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. VII**

Modifications etc. (not altering text)

- C6** S. 13 applied (2.4.2004) by [Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 1, **31(10)**
- C7** S. 13 applied (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, **31(10)** (with arts. 3(5), 15(3))

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 142\(5\)](#)
- Act applied by [S.I. 2024/360 art. 38\(3\)](#)
- Act applied by [S.I. 2024/393 art. 30\(3\)](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 12](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(a\)](#)
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2A)(2B) substituted for s. 14(3)(4) by [2023 c. 55 s. 189\(2\)\(b\)](#)
- s. 14A inserted by [2023 c. 55 s. 190\(2\)\(a\)](#)
- s. 17(1A)-(1C) inserted by [2023 c. 55 s. 189\(3\)\(b\)](#)
- s. 17(3)(ba) substituted for s. 17(3)(a)(b) by [2023 c. 55 s. 189\(3\)\(c\)](#)
- s. 17(5A)-(5C) substituted for s. 17(5)-(8) by [2023 c. 55 s. 189\(3\)\(d\)](#)
- s. 18(2)(b)(iia) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(ii\)](#)
- s. 18(2)(aa) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(i\)](#)
- s. 18(2A)(2B) inserted by [2023 c. 55 s. 189\(4\)\(b\)](#)
- s. 22(2A) inserted by [2023 c. 55 s. 189\(7\)](#)
- s. 32(3) inserted by [2023 c. 55 s. 190\(2\)\(b\)](#)
- Sch. 2A inserted by [2023 c. 55 s. 190\(2\)\(c\)](#)