



Land Compensation Act 1961

1961 CHAPTER 33

PART II

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

Special Cases

10 Acquisition of houses unfit for human habitation

The provisions of the Second Schedule to this Act shall have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that Schedule.

11 Land of statutory undertakers

In relation to compulsory acquisitions of interests in land which has been acquired by statutory undertakers (within the meaning of the Town and Country Planning Act, 1947) 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).

12 Outstanding right to compensation for refusal, etc. of planning permission

(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 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

Status: This is the original version (as it was originally enacted).

(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 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 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.

13 War-damaged land

(1) Where an interest in any hereditament or part of a hereditament which has sustained war damage is compulsorily acquired, then if—

(a) any of the damage has not been made good at the date of the notice to treat; and

(b) the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory acquisition and apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works;

the following provisions of this section shall have effect.

(2) Where the land would, but for the occurrence of the war damage, be devoted to any such purpose as is mentioned in rule (5) of the rules set out in section five of this Act, the provisions of that rule shall have effect for the purposes of the assessment of compensation payable in respect of the compulsory acquisition as if the land were devoted to that purpose.

(3) Where (whether by virtue of subsection (2) of this section or otherwise) the compensation payable in respect of the acquisition falls to be assessed in accordance with the said rule (5) the reasonable cost of equivalent reinstatement shall be ascertained for the purposes of that rule by reference to the state of the land immediately before, the occurrence of the war damage.