

SCHEDULE 2

Article 4

CASES WHERE COMMENCEMENT LIMITED

PART I

1. Section 63 (advance payments of compensation and interest).
2. Section 64 (planning assumptions in connection with highway schemes).
3. Section 67 (time limit on validity of notice to treat).
4. Section 70 in so far as it relates to the following paragraphs of Schedule 15—
 paragraph 1 (rules for assessing compensation),
 paragraph 2 (expenses in acquiring replacement land),
 paragraph 4 (acquisition of part from tenants at will etc.),
 paragraph 6 (farm loss payments),
 paragraph 7 (notice to quit agricultural holding: right to opt for notice of entry compensation),
 paragraphs 9 to 12 (amendments to the Acquisition of Land Act 1981⁽¹⁾),
 paragraph 19 (diocesan glebe land),
 paragraph 24 (advance payments of compensation and interest), and
 paragraph 27 (diocesan glebe land.)
5. Section 80(1) (interest on compensation) in so far as it relates to section 31(3) of the Land Compensation Act 1961⁽²⁾.
6. Section 84(6) in so far as it relates to the repeals in Part III of Schedule 19 in section 5 of the Land Compensation Act 1961 and sections 34 and 52 of the Land Compensation Act 1973.

PART II

Provision commenced	Cases in which provision has no effect if date before commencement date
1. Section 17(1) (power of local planning authority to decline to determine applications).	1. The date the application is received
2. Section 31(4) (planning compensation repeals: minor and consequential amendments) in so far as it relates to the following paragraphs of Schedule 6—	2
(1) paragraphs 11, 12, 29, 30, 38, and 49;	(1) The date a claim for compensation is duly made in accordance with section 127 of the Town and Country Planning Act 1990 ⁽³⁾ ;
(2) paragraphs 14 and 17.	(2) in a case where—

(1) 1981 c. 67.
 (2) 1961 c. 33.
 (3) 1990 c. 8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision commenced	Cases in which provision has no effect if date before commencement date
	<ul style="list-style-type: none"> (a) notice under section 110 of that Act is given in consequence of an order under section 97 of that Act, the date of that order; (b) such notice is given in a case falling within section 108 of that Act, the date of the relevant planning decision refusing planning permission or granting it conditionally.
3. Section 65 (certification of appropriate alternative development).	3. The date any of the circumstances mentioned in section 22(2) of the Land Compensation Act 1961 arises.
4. Section 69 (home loss payments).	<p>4.—(1) In a case where paragraph (a) or (b) of subsection (1) of section 29 of the Land Compensation Act 1973(4) applies, the date the event mentioned in paragraph (a) or (b) occurs;</p> <p>(2) in a case where paragraph (c) or (d) of that subsection applies, the date the land is acquired or (as the case may be) appropriated; and</p> <p>(3) in a case where paragraph (e) of that subsection applies, the date the proceedings for the order for possession mentioned in that paragraph are started.</p>
5. Section 70 (further amendments relating to land compensation) in so far as it relates to the following paragraphs of Schedule 15—	5
(1) paragraphs 15 to 18 (certification of appropriate alternative development);	(1) The date any of the circumstances mentioned in section 22(2) of the Land Compensation Act 1961 arises;
(2) paragraph 20 (diocesan glebe land);	(2) the relevant date within the meaning of Part I of the Land Compensation Act 1973;
(3) paragraphs 22 and 23 (home loss payments);	(3) the relevant date shown in the entry in paragraph 4 of this column for section 69 of the 1991 Act;
(4) paragraphs 30 and 31 (diocesan glebe land).	(4) the relevant date shown in the entry in paragraph 6 of this column in relation to compensation payable under (as the case may be) Part IV, section 186, Part VIII (except section 204) or section 250 of the Town and Country Planning Act 1990 or section 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990(5).

(4) Section 29 was amended by paragraph 38 of Schedule 13 to the Housing Act 1974 (c. 44), section 9(3) of the Housing and Planning Act 1986 (c. 63), paragraph 24 of the Housing (Consequential Provisions) Act 1985 (c. 71) and Part II of Schedule 12 to the Local Government and Housing Act 1989 (c. 42).

(5) 1990 c. 9.

Provision commenced	Cases in which provision has no effect if date before commencement date
6. Section 80(1) (interest on compensation) in so far as it relates to—	6
(1) section 11(3) of the Compulsory Purchase Act 1965 (6) ;	(1) The date of entry;
(2) section 10(4)(a) of the Forestry Act 1967 (7) ;	(2) the date the application for a felling licence is refused;
(3) section 18(1)(a) and (b) of the Reservoirs Act 1975 (8) ;	(3) the date of entry on the land;
(4) section 17(5) of the Land Drainage Act 1976 (9) (including that provision as applied by section 33(4) or 39(4) of that Act) and sections 44(3) and 93(7) of that Act;	(4) the date the power under (as the case may be) section 17, 33(2) or 39, Part III or section 93 is exercised;
(5) section 7 of the Ancient Monuments and Archaeological Areas Act 1979 (10) ;	(5) the date the scheduled monument consent is refused or granted subject to conditions;
(6) section 9 of that Act;	(6) the date the works cease to be authorised;
(7) section 46 of that Act;	(7) the date of entry on the land;
(8) section 23 of the Highways Act 1980 (11) ;	(8) the date mentioned in this paragraph of this column for the relevant provision in Part V of the Highways Act 1980 which is applied by section 23;
(9) section 28 of that Act;	(9) the date of the public path creation order;
(10) section 73(9) of that Act;	(10) the date the improvement line is prescribed;
(11) section 74(8) of that Act;	(11) the date the building line is prescribed;
(12) section 77(2) of that Act;	(12) the date the damage is sustained;
(13) section 79(11) and (12) of that Act;	(13) the date of the notice;
(14) section 126(2) of that Act;	(14) the date the damage is suffered;
(15) section 231 of that Act;	(15) the date the damage is sustained
(16) section 292(1) of that Act;	(16) the date the power under (as the case may be) section 289 or 291 is exercised;
(17) section 57 of the Public Health (Control of Disease) Act 1984 (12) ;	(17) the date the power under a provision of the Act is exercised;
(18) section 106 of the Building Act 1984 (13) ;	(18) the date the power under a provision of the Act is exercised;

(6) 1965 c. 56.
(7) 1967 c. 10.
(8) 1975 c. 23.
(9) 1976 c. 70.
(10) 1979 c. 46.
(11) 1980 c. 66.
(12) 1984 c. 22.
(13) 1984 c. 55.

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Provision commenced	Cases in which provision has no effect if date before commencement date
(19) paragraph 5 of Schedule 14 to the Water Act 1989 ⁽¹⁴⁾ ;	(19) the date of the drought order;
(20) paragraph 6(2), (3), (4) and (5) of that Schedule;	(20) the date of the order under section 131;
(21) paragraph 6(1), (2) and (3) of Schedule 19 to that Act;	(21) the date the power under (as the case may be) paragraph 4 or 5 of the Schedule is exercised;
(22) paragraph 8(2)(b) of that Schedule;	(22) the date the power under paragraph 8 of the Schedule is exercised;
(23) paragraph 8(1), (2), (3) and (4) of Schedule 20 to that Act;	(23) the date of the order under section 155;
(24) (subject to the next sub-paragraph) section 107(1) of the Town and Country Planning Act 1990 ⁽¹⁵⁾ ;	(24) the date of the order under section 97;
(25) section 107(1) of that Act (as applied by section 108(1) of that Act);	(25) the date the planning permission is refused or granted subject to conditions;
(26) section 115 of that Act;	(26) the date of the order under section 102;
(27) section 144(2)	(27) the date of the purchase notice;
of that Act;	
(28) section 186 of that Act;	(28) the date of the stop notice;
(29) section 203 of that Act;	(29) the date the consent required by the tree preservation order is refused or granted subject to conditions;
(30) section 204 of that Act;	(30) the date of the direction;
(31) section 223 of that Act;	(31) the date the works are begun to be carried out;
(32) section 250 of that Act;	(32) the date of the order under section 249(2);
(33) section 279(1) of that Act;	(33) the date of the decision made in accordance with section 266 or (as the case may be) of the order under section 97;
(34) section 279(2) of that Act;	(34) the date of the notice under section 271(2);
(35) section 28 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ⁽¹⁶⁾ ;	(35) the date of the order under section 23;
(36) section 29 of that Act.	(36) the date of building preservation notice.
7. Section 84(6) in so far as it relates to—	7

⁽¹⁴⁾ 1989 c. 15.
⁽¹⁵⁾ 1990 c. 8.
⁽¹⁶⁾ 1990 c. 9

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Provision commenced	Cases in which provision has no effect if date before commencement date
<p>(1) the repeals in Part II of Schedule 19 (planning compensation repeals) of or in—</p> <p>(a) (a) sections 80, 81, 311(1)(b), 312 and 336(1) of the Town and Country Planning Act 1990;</p> <p>(b) (b) section 113 of the 1990 Act.</p>	<p>(1)</p> <p>(a) (a) The date a claim for compensation is duly made in accordance with section 127;</p> <p>(b) (b) in a case where—</p> <p>(i) notice under section 110 is given in consequence of an order under section 97, the date of that order;</p> <p>(ii) such notice is given in a case falling within section 108, the date of the relevant planning decision refusing planning permission or granting it conditionally.</p>
<p>(2) the repeals in Part III of Schedule 19 in—</p> <p>(a) (a) sections 17 and 22 of the Land Compensation Act 1961 (certification of appropriate alternative development);</p> <p>(b) (b) in section 29(1) of the Land Compensation Act 1973(17) and section 9(3) of the Housing and Planning Act 1986 (home loss payments).</p>	<p>(2)</p> <p>(a) (a) the date any of the circumstances mentioned in section 22(2) arises;</p> <p>(b) (b) the relevant date in the entry in paragraph 4 of this column for section 69 of the 1991 Act.</p>

(17) 1973 c. 26; section 29 was amended by paragraph 38 of Schedule 13 to the Housing Act 1974 (c. 44), section 9(3) of the Housing and Planning Act 1986 (c. 63), paragraph 24 of the Housing (Consequential Provisions) Act 1985 (c. 71) and Part II of Schedule 12 to the Local Government and Housing Act 1989 (c. 42).