

1999 No. 1765

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Planning and Compensation Act 1991 (Amendment of Schedule 18) (No. 2) Order 1999

Made - - - - - 21st June 1999
Laid before Parliament 28th June 1999
Coming into force 19th July 1999

The Secretary of State, in exercise of the power conferred on him by section 80(4) of the Planning and Compensation Act 1991(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning and Compensation Act 1991 (Amendment of Schedule 18) (No. 2) Order 1999 and shall come into force on 19th July 1999.

Additions to provisions relating to interest on compensation

2. Part I (compensation provisions that do not provide for interest) of Schedule 18 to the Planning and Compensation Act 1991 shall be amended by the insertion, after the entry relating to section 19 of the Planning Hazardous Substances Act 1990, of the following—

“Section 161B of the Water Resources Act 1991	In the case of so much of the compensation as is payable under section 161B— (a) by virtue of paragraph 4(a) of the Schedule to the Anti-Pollution Works Regulations 1999 (compensation following grant of rights), the date of the depreciation; (b) by virtue of paragraph 4(b), (c), or (d) of that Schedule, the date on which the loss is sustained or the damage done; or where injurious affection is sustained, the date of the injurious affection;
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(a) 1991 c. 34.

	(c) by virtue of paragraph 4(e) of that Schedule, the date on which the expenses become payable”(a).
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Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

21st June 1999

Michael Meacher
Minister of State,
Department of the Environment,
Transport and the Regions

(a) Section 161B of the Water Resources Act 1991 (c. 57) was inserted by the Environment Act 1995 (c. 25), Schedule 22, paragraph 162. For the Anti-Pollution Works Regulations see S.I. 1999/1006.

EXPLANATORY NOTE

(This note is not part of the Order)

Part I of Schedule 18 to the Planning and Compensation Act 1991 specifies or describes the date from which interest is payable on compensation arising under the statutory provisions mentioned, which do not themselves provide for the payment of interest.

Article 2 of this Order amends that Part of that Schedule by adding provisions relating to the payment of compensation under section 161B of the Water Resources Act 1991 (“the 1991 Act”).

Compensation is payable under that section where a person has granted, or joined in granting, rights to enable the person on whom a works notice is served to carry out such anti-pollution works or operations as are specified in the notice. The amount of the compensation is assessed in accordance with the Anti-Pollution Works Regulations 1999.

The rate of interest payable in respect of compensation under section 161B of the 1991 Act is that prescribed under section 32 (rate of interest after entry on land) of the Land Compensation Act 1961 (c. 33).

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