



# Compulsory Purchase (Vesting Declarations) Act 1981

## 1981 CHAPTER 66

### PART IV

#### SUPPLEMENTARY

#### 10 Acquiring authority's liability arising on vesting of the land.

- (1) Where any of the land specified in a general vesting declaration has become vested in an acquiring authority by virtue of Part III of this Act, the acquiring authority shall be liable to pay the like compensation, and the like interest on the compensation agreed or awarded, as they would have been required to pay if they had taken possession of the land under section 11(1) of the <sup>M1</sup>Compulsory Purchase Act 1965.
- (2) Section 22 of the Compulsory Purchase Act 1965 and Schedule 2 to that Act (absent and untraced owners) shall not apply to the compensation to be paid for any interest in land in respect of which a notice to treat is deemed to have been served by virtue of Part III of this Act.
- (3) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of Part III of this Act may be referred to the [<sup>F1</sup>Upper Tribunal] shall be 6 years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of Part III of this Act.

This subsection shall be construed as one with Part I of the <sup>M2</sup>Limitation Act 1980.

#### Textual Amendments

- F1** Words in s. 10(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 146](#) (with Sch. 5)

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#### Marginal Citations

**M1** 1965 c. 56.

**M2** 1980 c. 58.

## 11 Recovery of compensation overpaid.

- (1) This section applies where after the execution of a general vesting declaration a person (“the claimant”) claims compensation in respect of the acquisition by the acquiring authority of an interest in land by virtue of the declaration, and the authority pay compensation in respect of that interest.
- (2) If it is shown that—
  - (a) the land, or the claimant’s interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim, and
  - (b) that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest,
 the acquiring authority may recover from the claimant the amount of the excess.
- (3) If it is shown that the claimant was not entitled to the interest, either in the whole or in part of the land to which the claim related, the acquiring authority may recover from the claimant an amount equal to the compensation paid, or as the case may be an amount equal to so much of that compensation as, on a proper apportionment, is attributable to that part of the land.
- (4) Any question arising under subsection (2) or (3) above as to—
  - (a) the amount of the compensation to which the claimant was entitled in respect of an interest in land, or
  - (b) the apportionment of any compensation paid,
 shall be referred to and determined by the [<sup>F2</sup>Upper Tribunal.]
- (5) Subject to subsection (4) above, any amount recoverable by the acquiring authority under this section shall be recoverable in any court of competent jurisdiction.
- (6) If the acquiring authority are a local authority (as defined in [<sup>F3</sup>section 336(1) of the <sup>M3</sup>Town and Country Planning Act 1990]) any sum recovered by them under this section shall be applied towards the repayment of any debt incurred in acquiring or redeveloping the land, or if no debt was so incurred shall be paid into the account out of which sums incurred in the acquisition of that land were paid.

#### Textual Amendments

**F2** Words in s. 11(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 147** (with Sch. 5)

**F3** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 52(3)**

#### Marginal Citations

**M3** 1990 c. 8.

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## 12 Divided land.

Schedule 1 to this Act shall have effect.

## 13 Right of recovery of mistaken payment of rent, etc.

Where any of the land specified in a general vesting declaration has become vested in an acquiring authority under Part III of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a tenancy mortgage interest or any other matter) and makes any payment as in satisfaction or in part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constituted the cause of his being so relieved, or of one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

## 14 Documents of title.

Where, after land has become vested in an acquiring authority under Part III of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof; and section 64 of the <sup>M4</sup>Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

### Marginal Citations

M4 1925 c. 20.

## 15 Application to orders under section 141 of the Local Government, Planning and Land Act 1980.

In relation to any order under section 141 of the <sup>M5</sup>Local Government, Planning and Land Act 1980 (which provides that such an order shall have the same effect as a general vesting declaration) this Act shall have effect subject to the modifications specified in Schedule 2 to this Act.

### Modifications etc. (not altering text)

C1 S. 15 modified (10.11.1993) by 1993 c. 28, s. 161(4), **Sch. 19 para. 6**; S.I. 1993/2762, **art.3**; which modification was repealed (1.12.2008) by 2008 c. 17, s. 325(1), Sch. 8 para. 33(2), Sch. 16; S.I. 2008/3068, arts. 2(1)(w)(3), 5, Sch. (with arts. 6-13)

### Marginal Citations

M5 1980 c. 65.

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## **16 Consequential amendments and repeals.**

- (1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.
- (2) The transitional provisions in Schedule 4 to this Act shall have effect.
- (3) The enactments specified in Schedule 5 to this Act shall be repealed to the extent specified in the third column of that Schedule.

### **Modifications etc. (not altering text)**

- C2** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

## **17 Short title, commencement and extent.**

- (1) This Act may be cited as the Compulsory Purchase (Vesting Declarations) Act 1981.
- (2) This Act shall come into force at the expiration of a period of three months beginning with the date on which this Act is passed.
- (3) This Act shall not extend to Scotland or Northern Ireland.

**Status:**

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**Changes to legislation:**

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