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**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, Part II. (See end of Document for details)

## SCHEDULES

### SCHEDULE 15

#### AMENDMENTS RELATING TO LAND COMPENSATION

##### Commencement Information

- II** Sch. 15 wholly in force: Sch. 15 except para. 32 in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3; para. 32 in force at 2.1.1992 by S.I. 1991/2728, art. 2

#### PART II

##### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Commencement Information

- II** Sch. 15 Pt. II wholly in force: Sch. 15 Pt. II paras. 15 - 31 in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3; Sch. 15 Pt. II wholly in force at 2.1.1992, so far as not already in force, by S.I. 1991/2728, art. 3

##### *Land Compensation Act 1961 (c. 33)*

- 15 (1) In section 14(1) of the Land Compensation Act 1961 after “shall” there is inserted “(subject to subsection (3A) of this section)”.
- (2) In section 14(3) of that Act, for the words from “but” to the end there is substituted—
- “(3A) In determining—
- (a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land; or
- (b) whether any of the assumptions mentioned in section 16 of this Act (but not section 15) are applicable to the relevant land or any part thereof,
- regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part III of this Act.”

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

- C1** Sch. 15 para. 15 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 5(1)

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**Commencement Information**

**I2** Sch. 15 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 16 In section 17 of that Act—
- (a) for the words from the beginning of subsection (2) to “acquire it” there is substituted “ If the authority proposing to acquire the interest ”, and
  - (b) subsection (8) is omitted.

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

**C2** Sch. 15 para. 16 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 5(1)

**Commencement Information**

**I3** Sch. 15 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 17 In section 19(1) of that Act for “in the circumstances mentioned in subsection (1) of section 17 of this Act” there is substituted “ by an authority possessing compulsory purchase powers ”.

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

**C3** Sch. 15 para. 17 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 5(1)

**Commencement Information**

**I4** Sch. 15 para. 17 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 18 Section 22(3) of that Act is omitted.

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

**C4** Sch. 15 para. 18 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 5(1)

**Commencement Information**

**I5** Sch. 15 para. 18 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

*Compulsory Purchase Act 1965 (c. 56)*

- 19 In section 31 of the Compulsory Purchase Act 1965—
- (a) after “but” there is inserted “ in the case of land which is not diocesan glebe land ”,
  - (b) for “to be applied” there is substituted “ and, in the case of diocesan glebe land, shall be paid to the Diocesan Board of Finance in which the land is vested and, in either case, shall be applied ”, and
  - (c) at the end of that section there is added— “ In this section “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the <sup>M1</sup>Endowments and Glebe Measure 1976. ”

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

**C5** Sch. 15 para. 19 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.I para. 4

**Commencement Information**

**I6** Sch. 15 para. 19 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

**Marginal Citations**

**M1** 1976 No. 4.

*Land Compensation Act 1973 (c. 26)*

- 20 In section 13 of the Land Compensation Act 1973—
- (a) in subsection (1) for “to the Church Commissioners to” there is substituted—
    - “(a) in the case of land which is not diocesan glebe land, to the Church Commissioners; and
    - (b) in the case of diocesan glebe land, to the Diocesan Board of Finance in which the land is vested,
- and (in either case) shall ”, and
- (b) at the end of subsection (2) there is added “ or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the <sup>M2</sup>Endowments and Glebe Measure 1976 ”.

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

**C6** Sch. 15 para. 20 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 5(2)

**Commencement Information**

**I7** Sch. 15 para. 20 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

**Marginal Citations**

**M2** 1976 No. 4.

- 21 In section 26 of that Act—
- (a) in subsection (2) for “of the kind mentioned in section 22(2) above” there is substituted “ a qualifying interest ”, and
  - (b) in subsection (5) for “and (2)” there is substituted “ (2) and (2A) ”.

**Commencement Information**

**I8** Sch. 15 para. 21 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 22 (1) Section 29 of that Act is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (ii) “passed the resolution” is omitted;
  - (b) “and” following paragraph (iii) is omitted;

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- (c) after paragraph (iv) there is inserted “ and ”; and
  - (d) in paragraph (v) after “(e)” there is inserted “ above ”.
- (3) In subsection (3A) the words from “of the service” to “(1)(b) above” are omitted.
- (4) In subsection (4)—
- (a) for paragraph (b) there is substituted—
    - “(b) a right to occupy the dwelling—
      - (i) as a statutory tenant within <sup>M3</sup>the meaning of the <sup>M4</sup>Rent (Agriculture) Act 1976 or the Rent Act 1977, or
      - (ii) under a contract to which section 19 of the Rent Act 1977 (restricted contracts) applies or would apply if the contract or dwelling were not excluded by section 19(3) to (5) or 144 of that Act”, and
  - (b) for paragraph (e) there is substituted—
    - “(e) a right to occupy the dwelling under a licence where—
      - (i) it is a right to occupy as a protected occupier within the meaning of the Rent (Agriculture) Act 1976,
      - (ii) Part IV of the <sup>M5</sup>Housing Act 1985 (secure tenancies) applies to the licence, or
      - (iii) the licence is an assured agricultural occupancy within the meaning of Part I of the <sup>M6</sup>Housing Act 1988.”

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

**C7** Sch. 15 para. 22 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.II para. 5(3)

**Commencement Information**

**I9** Sch. 15 para. 22 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

**Marginal Citations**

**M3** 1977 c. 42.

**M4** 1976 c. 80.

**M5** 1985 c. 68.

**M6** 1988 c. 50.

- 23 In section 32(7B) of that Act for “the person giving up possession” there is substituted “ any person giving up possession or occupation ”.

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

**C8** Sch. 15 para. 23 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.II para. 5(3)

**Commencement Information**

**I10** Sch. 15 para. 23 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

- 24 In section 52 of that Act—

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- (a) in subsection (9) after “the amount of the advance payment” there is inserted “together with any amount paid under section 52A”, and
- (b) in subsection (10) the words following “unpaid” are omitted.

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

**C9** Sch. 15 para. 24 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4

**Commencement Information**

**I11** Sch. 15 para. 24 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

*Local Government, Planning and Land Act 1980 (c. 65)*

25 After section 141(5) of the Local Government, Planning and Land Act 1980 there is inserted—

“(5A) No compensation is payable, by virtue of an order under this section, under Part IV of the <sup>M7</sup>Land Compensation Act 1961.”

**Commencement Information**

**I12** Sch. 15 para. 25 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

**Marginal Citations**

**M7** 1961 c. 33.

*Highways Act 1980 (c. 66)*

26 In section 246(2) of the Highways Act 1980, for the words following paragraph (b) there is substituted “ if the interest of the vendor is a qualifying interest ”.

**Commencement Information**

**I13** Sch. 15 para. 26 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

*Acquisition of Land Act 1981 (c. 67)*

27 At the end of section 12(3) of, and paragraph 3(3) of Schedule 1 to, the Acquisition of Land Act 1981 there is added “ or being diocesan glebe land within the meaning of the <sup>M8</sup>Endowments and Glebe Measure 1976 ”.

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

**C10** Sch. 15 para. 27 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 4

**Commencement Information**

**I14** Sch. 15 para. 27 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

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**Marginal Citations**

**M18** 1976 No. 4.

28 Section 20 of, and paragraph 7 of Schedule 3 to, that Act are repealed.

**Commencement Information**

**I15** Sch. 15 para. 28 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

*The principal Act*

29 In section 231 of the principal Act the words from “for a purpose” to “is situated” are omitted.

**Commencement Information**

**I16** Sch. 15 para. 29 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

30 (1) In section 318 of that Act, in subsection (3) for the words from “be” (in paragraph (a)) to “shall” (in paragraph (b)) there is substituted—

“in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

(b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case) ”.

(2) In subsection (4)(b) of that section for “(3)(b)” there is substituted “ (3) ”.

(3) At the end of section 318(6) of that Act there is added “ or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976 ”.

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

**C11** Sch. 15 para. 30 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. II para. 5(4)

**Commencement Information**

**I17** Sch. 15 para. 30 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

31 (1) In section 86(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the words from “be” (in paragraph (a)) to “shall” (in paragraph (b)) there is substituted—

“in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

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(b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case). ”

(2) At the end of section 86(4) of that Act there is added “ or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976 ”.

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

**C12** Sch. 15 para. 31 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt.II para. 5(4)

**Commencement Information**

**I18** Sch. 15 para. 31 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

VALID FROM 02/01/1992

*Planning (Hazardous Substances) Act 1990 (c. 10)*

32 (1) In section 34(3) of the Planning (Hazardous Substances) Act 1990 for the words from “be” (in paragraph (a)) to “shall” (in paragraph (b)) there is substituted—

“in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

(b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case). ”

(2) At the end of section 34(4) of that Act there is added “ or being diocesan glebe land; and “Diocesan Board of Finance” and “diocesan glebe land” have the same meaning as in the <sup>M9</sup>Endowments and Glebe Measure 1976 ”.

**Commencement Information**

**I19** Sch. 15 para. 32 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2728, art. 3

**Marginal Citations**

**M9** 1976 No. 4.

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