



# Land Compensation Act 1961

## 1961 CHAPTER 33 9 and 10 Eliz 2

### PART I

#### DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

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

- C1** Pt. 1 (ss. 1-4) applied (with modifications) by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5; applied by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 6, 35, Sch. 2 paras. 4(3), 7(3), 13(9), 14(8), 16(8), Sch. 4 para 4(5), **Sch. 5 Pt. III para. 6(2)**; applied by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), ss. 2(5), 3, Sch. 2 Pt. II para. 5(2), Sch. 3 paras 1(9), **2(5)**; applied (13.2.1992) by Severn Bridges Act 1992 (c. 3), ss. 2(6), 3, Sch. 2 Pt. II para. 4(2), Pt. III para. 7(7)(8), **Sch. 3 para. 1(6)**.
- Pt. 1 (ss. 1-4) applied (21.7.1994) by 1994 c. xi, **ss. 19(3)**, 20(4), 23(7), 29(3), 34(6), 41(3) (with s. 39)
- Pt. 1 (ss. 1-4) applied (21.7.1994) by 1994 c. xv, **ss. 10(2)(b)**, 22(g), 27(3), 34(7), 61(2)(3) (with s. 47)
- Pt. 1 (ss. 1-4) applied (11.11.1996) by S.I. 1996/2714, **arts. 10(4)**, 18(6), 21(5), 28(3), 29(6), 32(4), 40(4)
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 2, **Sch. 2 para. 8(2)(3)**
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 2, **Sch. 2 para. 10(8)**
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 3, **Sch. 3 para. 3(3)**
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 6, **Sch. 5 para. 1(5)(6)**
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 6, **Sch. 5 para. 4(7)(8)**
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c.61, s. 6, **Sch. 5 para. 5(3)**
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 7(4)(5)
- Pt. 1 (ss. 1-4) applied (18.12.1996) by 1996 c. 61, s. 44, **Sch. 12 Pt. II**, para. 3(6)
- Pt. 1 (ss. 1-4) applied (10.2.1997) by S.I. 1997/264, **arts. 7(4)**, 14(10), 15(5), 16(6), 20(3), 24(3)
- Pt. 1 (ss. 1-4) applied (21.5.1997) by S.I. 1997/1266, **arts. 11(5)**, 19(6), 21(5), 30(6), 33(4) (with art. 41)
- Pt. 1 (ss. 1-4) applied (27.8.1998) by S.I. 1998/1936, **art. 11(6)**, 19(6), 21(1), 32(6), 33(7), 36(4) (with art. 45)
- Pt. 1 (ss. 1-4) applied (13.1.1999) by S.I. 1998/3269, **art. 9(5)**, 16(7), 18(4), 27(3)
- Pt. 1 (ss. 1-4) applied (19.2.1999) by S.I. 1999/537, **art. 10(6)**
- Pt. 1 (ss. 1-4) applied (30.4.1999) by S.I. 1999/1306, **arts. 1**, 12(5), 14(6), 15(7), 21(3)
- Pt. 1 (ss. 1-4) applied (18.5.1999) by S.I. 1999/1664, **arts. 8(4)**, 9(6), 10(7) (with art. 18)

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- Pt. 1 (ss. 1-4) applied (20.8.1999) by S.I. 1999/2336, **arts. 8(3), 9(7), 17(6), 20(3)**
- Pt. 1 (ss. 1-4) applied (23.8.1999) by S.I. 1999/2981, **arts. 6(5), 13(10), 14(5), 20(6), 21(7), 24(3), 25(2), 27**
- Pt. 1 (ss. 1-4) applied (3.6.1999) by S.I. 1999/1555, **art. 7(2)**
- Pt. 1 (ss. 1-4) applied (24.12.1999) by S.I. 2000/428, **art. 8(4)**
- Pt. 1 (ss. 1-4) applied (29.3.2001) by S.I. 2001/1347, **arts. 11(6), 19(10), 21(5), 27(3), 28(6), 29(7), 32(3)** (with **arts. 15, 37, 38(2)**)
- Pt. 1 (ss. 1-4) applied (2.3.2001) by S.I. 2001/1368, **arts. 10(3), 13(4)**
- Pt. 1 (ss. 1-4) applied (2.3.2001) by S.I. 2001/1369, **arts. 8(3), 11(4)**
- Pt. 1 (ss. 1-4) applied (18.7.2001) by S.I. 2001/2870, **art. 10(7)**
- Pt. 1 (ss. 1-4) applied (24.7.2001) by S.I. 2001/3627, **arts. 11(6), 27(6), 29(10), 32(5)(6), 40(3), 41(6), 42(7)(8), 45(4), 55(3)(4)**
- Pt. 1 (ss. 1-4) applied (9.11.2001) by S.I. 2001/3682, **arts. 7(4)(5), 15(10), 16(5), 22(3), 26(3)(4)** (with **Sch. 12 para. 2**)
- Pt. 1 (ss. 1-4) applied (30.4.2002) by S.I. 2002/1065, **arts. 7(11), 8(4), 14(6), 15(7), 19(3)**
- Pt. 1 (ss. 1-4) applied (12.8.2002) by S.I. 2002/1943, **arts. 8(4), 9(7)** (with **art.9(8)(9)**)
- Pt. 1 (ss. 1-4) applied (31.5.2002) by S.I. 2002/1327, **arts. 10(2)**(subject to **Sch. 2, para. 5**), **15(5), 26(4)**
- Pt. 1 (ss. 1-4) applied (14.3.2002) by S.I. 2002/412, **arts. 13(5), 19(3), 22(2), 28(3)**, (with saving in **art. 38**)
- Pt. 1 (ss. 1-4) applied (31.12.2002) by S.I. 2002/3127, **art. 7(3)** (with **arts. 16, 17**)
- C2** Pt. 1 (ss. 1-4) applied (28.4.2003) by **Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075)**, **arts. 1, 7(4), 9(2), 13(8), 30(6)** (with **art. 40**)
- C3** Pt. 1 (ss. 1-4) applied (4.3.2004) by **The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389)**, **arts. 1, 7(4), 8(5), 9(5), 11(2), 12(8), 20(10), 21(5), 27(3), 28(7), 31(3)** (with **art. 38**)
- C4** Pt. 1 (ss. 1-4) applied (2.4.2004) by **Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757)**, **arts. 1, 10(6), 19(10), 21(5), 29(3), 30(8)** (with **arts. 30(9), 31(7), 32(5), 35(4)(5), Sch. 12 para. 2**)

## 1 Tribunal for assessing compensation in respect of land compulsorily acquired.

Where by or under any statute (whether passed before or after the passing of this Act) land is authorised to be acquired compulsorily, any question of disputed compensation and, where any part of the land to be acquired is subject to a lease which comprises land not acquired, any question as to the apportionment of the rent payable under the lease, shall be referred to the Lands Tribunal and shall be determined by the Tribunal in accordance with the following provisions of this Act.

## 2 Procedures on references under s. 1.

- (1) The following provisions shall have effect with respect to any proceedings on a question referred to the Lands Tribunal under section one of this Act.
- (2) The Lands Tribunal shall sit in public.
 

[<sup>F1</sup> Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the <sup>M1</sup> Lands Tribunal Act 1949. ]
- (3) Not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs; except that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.

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- (4) A member of the Lands Tribunal dealing with the proceedings shall be entitled to enter on and inspect any land which is the subject of the proceedings.
- (5) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

#### Textual Amendments

- F1** S. 2(2) proviso added by [Community Land Act 1975 \(c. 77\)](#), [Sch. 10 para. 4\(1\)](#); continued by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 33 para. 5\(1\)\(2\)](#)

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

- C5** S. 2 applied with modifications by Acts listed in [Chronological Table of the Statutes](#), [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [s. 167\(9\)](#), [National Heritage Act 1983 \(c. 47, SIF 3, 78\)](#), [s. 36\(10\)](#) and [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 153(1), 155, [Sch. 19 paras. 6\(4\)\(7\), 11](#), [Sch. 20 para. 8\(6\)](#), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)); applied by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 10(1), 112(3), [Sch. 4 para. 7\(4\), 11\(3\)](#), [Sch. 17 para. 35\(1\)](#)
- C6** s. 2 applied (with modifications) (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), ss. 167, 180, 223(2), [Sch. 11 para. 8\(6\)](#), [Sch. 12 para. 3\(1\)](#) (with ss. 82(3), 186(1), 222(1), [Sch. 14 para. 6](#))  
S. 2 applied (with modifications) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 61(5), 62(5), 168(3), 177, 225(2), [Sch. 7 para. 5](#), [Sch. 19 para. 8\(6\)](#), [Sch. 21 para. 3\(1\)](#) (with ss. 16(6), 179, 222(3), [Sch. 22 para. 1](#), [Sch. 23 para. 6](#))
- C7** S. 2 applied (with modifications) (30.10.1994) by [S.I. 1994/2716](#), [art. 92\(4\)](#)  
S. 2 applied (1.6.1997) by [S.I. 1997/1160](#), [reg. 14\(6\)](#)  
S. 2 applied (with modifications) (1.10.1998) by [1975 c.70](#), [Sch. 4 Pt. IV](#), para. 15(4) (as inserted by [1998 c.38](#), s. 127, [Sch. 13 para. 3](#) (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#))  
S. 2 applied (with modifications) (1.4.1999) by [S.I. 1999/481](#), [reg. 8\(4\)](#)  
S. 2 applied (with modifications) (29.4.1999) by [S.I. 1999/1006](#), [reg. 7](#), [Sch. para. 6](#)  
S. 2 applied (with modifications) (26.3.2001) by [2000 c. 26](#), s. 95, [Sch. 6 para. 5\(2\)](#); [S.I. 2000/2957](#), [art. 2\(3\)](#), [Sch. 3](#)  
S. 2 applied (with modifications) (1.4.2000) by [S.I. 2000/227](#), [reg. 6](#), [Sch. 2 para. 6\(4\)](#)  
S. 2 applied (with modifications) (W.) (1.7.2001) by [S.I. 2001/2197](#), [reg. 6](#), [Sch. 2 para. 6\(4\)](#)  
S. 2 applied (22.3.2001) by [2001 c. ii](#), [s. 7\(3\)](#)
- C8** S. 2(2)–(5) applied with modifications by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), ss. 7(13), 8(11)

#### Marginal Citations

- M1** [1949 c. 42](#).

### 3 Consolidation of proceedings on claims in respect of several interests in the same land.

Where notices to treat have been served for the acquisition of several interests in any land then, if the acquiring authority so desire, the disputed claims of the persons entitled to those interests shall, so far as practicable, be heard and determined by the same member or members of the Lands Tribunal, and the Lord Chancellor may make rules under the <sup>M2</sup>Lands Tribunal Act 1949, providing that such claims shall be heard together; but the value of the several interest shall be separately assessed.

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M2 1949 c. 42.

## 4 Costs.

### (1) Where either—

- (a) the acquiring authority have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered; or
- (b) the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable them to make a proper offer, a notice in writing of the amount claimed by him, containing the particulars mentioned in subsection (2) of this section;

the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as they were incurred after the offer was made or, as the case may be, after the time when in the opinion of the Lands Tribunal the notice should have been delivered.

- (2) The notice mentioned in subsection (1) of this section must state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.
- (3) Where a claimant has delivered a notice as required by paragraph (b) of subsection (1) of this section and has made an unconditional offer in writing to accept any sum as compensation, then, if the sum awarded to him by the Lands Tribunal is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear their own costs and pay the costs of the claimant so far as they were incurred after his offer was made.
- (4) The Lands Tribunal may in any case disallow the cost of counsel.
- (5) Where the Lands Tribunal orders the claimant to pay the costs, or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.
- (6) Without prejudice to any other method of recovery, the amount of costs ordered to be paid by a claimant, or such part thereof as is not covered by such a deduction as is mentioned in subsection (5) of this section, shall be recoverable from him summarily as a civil debt.

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

**C9** S. 4 applied (with modifications) by Acts listed in [Chronological Table of the Statutes, Local Government, Planning and Land Act 1980 \(c. 65\), s. 167\(9\)](#), [National Heritage Act 1983 \(c. 47, SIF 3, 78\), s. 36\(10\)](#) and [Mineral Workings Act 1985 \(c. 12, SIF 86\), ss. 7\(13\), 8\(11\)](#); applied by [Electricity Act 1989 \(c. 29, SIF 44:1\), ss. 10\(1\), 112\(3\), Sch. 4 paras. 7\(4\), 11\(3\), Sch. 17 para. 35\(1\)](#); applied (with modifications) by [Water Act 1989 \(c. 15, SIF 130\), ss. 153\(1\), 155, Sch. 19 paras. 6\(4\)\(7\), 11, Sch. 20 para. 8\(6\)](#), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

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- C10** S. 4 applied (with modifications) (1.12.1991) by the Water Industry Act 1991 (c. 56, SIF 130), ss. 167, 180, 223(2), Sch. 11 para. 8(6), **Sch. 12 para. 3(1)** (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
- S. 4 applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 61** (5), 62(5), 168(3), 177, 225(2), Sch. 7 para. 5, Sch. 19 para. 8(6), Sch. 21 para. 3(1) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
- S. 4 applied (with modifications) (30.10.1994) by S.I. 1994/2716, **art. 92(4)**
- S. 4 applied (with modifications) (30.10.1994) by S.I. 1994/2716, **reg. 96(3)**
- S. 4 applied (1.6.1997) by S.I. 1997/1160, **reg. 14(6)**
- S. 4 applied (with modifications) (1.10.1998) by 1975 c. 70, **Sch. 4 Pt. 1V**, para. 15(4) (as inserted by 1998 c.38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**)
- S. 4 applied (with modifications) (1.4.1999) by S.I. 1999/481, **reg. 8(4)**
- S. 4 applied (with modifications) (29.4.1999) by S.I. 1999/1006, reg. 7, **Sch. para. 6**
- S. 4 applied (with modifications) (26.3.2001) by 2000 c. 26, s. 95, **Sch. 6 para. 5(2)**; S.I. 2000/2957, art. 2(3), **Sch. 3**
- S. 4 applied (with modifications) (1.4.2000) by S.I. 2000/227, reg. 6, **Sch. 2 para. 6(4)**
- S. 4 applied (with modifications) (W.) (1.7.2001) by S.I. 2001/2197, reg. 6, **Sch. 2 para. 6(4)**
- S. 2 applied (22.3.2001) by 2001 c. ii, **s. 7(3)**

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