



# Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

## PART V

### MISCELLANEOUS AND GENERAL

#### 40 †Consequential amendments, repeals, and transitional provisions.

- (1) Any enactment or document referring to an enactment repealed by this Act shall be construed as referring to the corresponding enactment in this Act.
- (2) Without prejudice to the generality of subsection (1) of this section—
  - (a) any enactment excluding the power conferred by subsection (2) of section five of the <sup>M1</sup>Acquisition of Land (Assessment of Compensation) Act 1919, to withdraw notices to treat shall be construed as excluding any such power conferred by section thirty-one of this Act; and
  - (b) ..... <sup>F1</sup>
- (3) ..... <sup>F2</sup>
- (4) The mention of particular matters in this section shall not be taken to affect the general application to this Act of [<sup>F3</sup>sections 16(1) and 17(2)(a) of the <sup>M2</sup>Interpretation Act 1978] (which relates to the effect of repeals).
- (5) ..... <sup>F4</sup>

#### Textual Amendments

- F1** S. 40(2)(b) provides for amendments of enactments specified in Sch. 4
- F2** S. 40(3) repealed by *Statute Law (Repeals) Act 1974* (c. 22), **Sch. Pt. XI**
- F3** Words substituted by virtue of *Interpretation Act 1978* (c. 30), s. 25(2)
- F4** S. 40(5) repealed by *Statute Law (Repeals) Act 1989* (c. 43), s. 1(1), **Sch. 1 Pt. VII**

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

- C1** Unreliable marginal note

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**Changes to legislation:** Land Compensation Act 1961, Section 40 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### **Marginal Citations**

**M1** 1919 c. 57.

**M2** 1978 c. 30.

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2023 asc 3 s. 142\(5\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(a\)](#)
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 14(2A)(2B) substituted for s. 14(3)(4) by [2023 c. 55 s. 189\(2\)\(b\)](#)
- s. 17(1A)-(1C) inserted by [2023 c. 55 s. 189\(3\)\(b\)](#)
- s. 17(3)(ba) substituted for s. 17(3)(a)(b) by [2023 c. 55 s. 189\(3\)\(c\)](#)
- s. 17(5A)-(5C) substituted for s. 17(5)-(8) by [2023 c. 55 s. 189\(3\)\(d\)](#)
- s. 18(2)(b)(iia) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(ii\)](#)
- s. 18(2)(aa) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(i\)](#)
- s. 18(2A)(2B) inserted by [2023 c. 55 s. 189\(4\)\(b\)](#)
- s. 22(2A) inserted by [2023 c. 55 s. 189\(7\)](#)