STATUTORY INSTRUMENTS

1999 No. 648

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES
TOWN AND COUNTRY PLANNING, SCOTLAND

COMPENSATION

The Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999

Made - - - -	*9th March 1999*
Laid before Parliament	*11th March 1999*
Coming into force - -	*1st April 1999*

The Secretary of State, in exercise of the power conferred on him by section 80(4) of the Planning and Compensation Act 1991(**1**), 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) Order 1999 and shall come into force on 1st April 1999.

Additions to provisions relating to interest on compensation

2.—(1) Schedule 18 to the Planning and Compensation Act 1991 shall be amended as follows.

(2) In Part I (compensation provisions that do not provide for interest)–

(a) after the entry relating to section 46 of the Ancient Monuments and Archaeological Areas Act 1979(**2**) there shall be inserted–

"Section 35A(4) of the Environmental Protection Act 1990	In the case of so much of the compensation as is payable under section 35A– (a) by virtue of paragraph (a) or (b) of regulation 4 (compensation following grant of rights) of the Waste

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(**1**) 1991 c. 34.
(**2**) 1979 c. 46.

        Management Licences (Consultation and Compensation) Regulations 1999: the date of the depreciation;

(b) by virtue of paragraph (c), (d) or (e) of that regulation: the date on which the loss is sustained or the damage is done; or where injurious affection is sustained: the date of the injurious affection;

(c) by virtue of paragraph (6) of regulation 7 (basis on which compensation assessed) of those Regulations: the date on which the expenses become payable.(**3**)

(3) In Part II (provisions that provide for interest), for "Rule 38 of the Lands Tribunal Rules 1975" there shall be substituted "Rule 32 of the Lands Tribunal Rules 1996(**4**)".

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Alan Meale
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

9th March 1999

(**3**) Section 35A of the Environmental Protection Act 1990 (c. 43) was inserted by the Environment Act 1995 (c. 25), Schedule 22, paragraph 67. For the Waste Management Licences (Consultation and Compensation) Regulations see S.I. 1999/481.

(**4**) S.I. 1996/1022, amended by S.I. 1997/1965 and 1998/2.

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 35A of the Environmental Protection Act 1990 ("the 1990 Act").

Compensation is payable under that section where a person, in accordance with the requirements of section 35(4) or 38(9A) of the 1990 Act, has granted, or joined in granting, rights to enable the holder of a waste management licence to comply with conditions imposed on the grant of the licence or on its modification, suspension or revocation. The amount of the compensation is assessed in accordance with the Waste Management Licences (Consultation and Compensation) Regulations 1999.

The rate of interest payable in respect of compensation under section 35A of the 1990 Act is that prescribed under section 32 (rate of interest after entry on land) of the Land Compensation Act 1961 (c. 33).

Article 2 also amends Part II of the Schedule to update the reference to the Lands Tribunal Rules which were re-enacted in 1996.