



# Land Compensation Act 1973

## 1973 CHAPTER 26

### PART II

#### MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

##### *Insulation against noise*

#### **20 Soundproofing of buildings affected by public works.**

- (1) The Secretary of State may make regulations imposing a duty or conferring a power on responsible authorities to insulate buildings against noise caused or expected to be caused by the construction or use of public works or to make grants in respect of the cost of such insulation.
- (2) Regulations under this section may—
  - (a) make provision as to the level of noise giving rise to a duty or power under the regulations and the area in which a building must be situated if a duty or power is to arise in respect of it;
  - (b) specify the classes of public works and of buildings in respect of which a duty or power is to arise, and the classes of persons entitled to make claims, under the regulations;
  - (c) specify the nature and extent of the work which is to be undertaken under the regulations and the expenditure in respect of which and the rate at which grants are to be made under the regulations;
  - (d) make the carrying out of work or the making of grants under the regulations dependent upon compliance with conditions;
  - (e) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed;
  - (f) make provision for the settlement of disputes arising under the regulations.
- (3) Without prejudice to the generality of paragraph (a) of subsection (2) above, regulations made by virtue of that paragraph may provide for the relevant level of noise or the relevant area in a particular case to be determined by reference to a document

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published by or on behalf of the Secretary of State or by any other authority or body or in such other manner as may be provided in the regulations.

- (4) If regulations under this section impose a duty or confer a power to carry out, or make a grant in respect of the cost of, work in respect of a building which is subject to a tenancy on a claim in that behalf made by the landlord or the tenant, provision may also be made by the regulations for enabling the work to be carried out notwithstanding the withholding of consent by the other party to the tenancy.
- (5) Regulations under this section may authorise or require local authorities to act as agents for responsible authorities in dealing with claims and in discharging or exercising the duties or powers of responsible authorities under the regulations, and may provide for the making by responsible authorities of payments to local authorities in respect of anything done by them as such agents.
- (6) Regulations under this section may authorise the council of a London borough to contribute towards expenses incurred under the regulations by a responsible authority in respect of the insulation of buildings against noise caused or expected to be caused by the use of any highway in that borough in relation to which an order has been made under section 6 of the <sup>M1</sup>Road Traffic Regulation Act 1967 [<sup>F1</sup>or section 6 of the Road Traffic Regulation Act 1984] (traffic regulation orders in Greater London).
- (7) Regulations under this section may contain such supplementary provisions as appear to the Secretary of State to be necessary or expedient and may make different provision with respect to different areas or different circumstances.
- (8) The power to make regulations under this section shall be exercisable by statutory instrument.
- (9) A draft of any regulations under this section shall be laid before Parliament and the first regulations shall not be made unless the draft has been approved by a resolution of each House of Parliament.
- (10) ..... <sup>F2</sup>
- (11) ..... <sup>F3</sup>
- (12) In this section “public works” and “responsible authority” have the same meaning as in section 1 above except that “public works” does not include an aerodrome and except that “responsible authority”, in relation to a highway, includes any authority having power to make an order in respect of that highway under section 1 or 6 of the <sup>M2</sup>Road Traffic Regulation Act [<sup>F4</sup>1984](traffic regulation orders).

#### Textual Amendments

- F1** Words inserted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), **Sch. 13 para. 29(a)**
- F2** [S. 20\(10\)](#) repealed by [Highways Act 1980 \(c. 66\)](#), **Sch. 25**
- F3** [S. 20\(11\)](#) repealed by [Rent Act 1977 \(c. 42\)](#), s. 155(5), **Sch. 25**
- F4** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), **Sch. 13 para. 29(b)**

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

- C1** [S. 20](#) modified (18.12.1996) by [1996 c. 61, s. 49](#)
- C2** [S. 20](#) applied (26.9.2012) by [The Network Rail \(Ipswich Chord\) Order 2012 \(S.I. 2012/2284\)](#), arts. 1, **31(1)** (with [art. 26\(2\)](#))

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**Marginal Citations**

- M1** 1967 c. 76.
- M2** 1984 c. 27.

**[<sup>F5</sup>20A Power to make payments in respect of caravans and other structures affected by noise of public works.**

- (1) The Secretary of State may make regulations empowering responsible authorities to make a payment, not exceeding an amount specified in the regulations, in respect of any dwelling which—
  - (a) is not a building;
  - (b) is occupied by a person as his only or main residence; and
  - (c) is affected or likely to be affected by noise caused by the construction or use of public works.
- (2) Regulations under this section may—
  - (a) make provision as to the level of noise giving rise to a power under the regulations and the area in which a dwelling must be situated if a power is to arise in respect of it;
  - (b) specify the classes of public works and of dwellings in respect of which a power is to arise, and the classes of persons entitled to make claims, under the regulations; and
  - (c) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed.
- (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsections (3), (7) and (12) of section 20 above apply for the purposes of this section as they apply for the purposes of that.]

**Textual Amendments**

- F5** S. 20A inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 5(1)(2)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

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

- C3** S. 20A applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **31(1)** (with art. 26(2))

**21** ..... <sup>F6</sup>

**Textual Amendments**

- F6** S. 21 repealed by Airports Authority Act 1975 (c. 78), **Sch. 6**

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22— ..... F7  
25.

**Textual Amendments**

F7 Ss. 22–25 repealed by [Highways Act 1980 \(c. 66\)](#), [Sch. 25](#)

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