



# Land Compensation Act 1973

## 1973 CHAPTER 26

### PART V

#### PLANNING BLIGHT

##### *Extension of classes of blighted land*

#### **68 Land affected by proposed structure and local plans etc.**

- (1) In paragraph (a) of section 192(1) of the Act of 1971 (land indicated in a structure plan in force for the relevant district as land which may be required for the purposes of functions of public authorities or as land which may be included in an action area) the reference to a structure plan in force shall include a reference to—
  - (a) a structure plan which has been submitted to the Secretary of State under section 7 of that Act;
  - (b) proposals for alterations to a structure plan which have been submitted to the Secretary of State under section 10 of that Act;
  - (c) modifications proposed to be made by the Secretary of State in any such plan or proposals as are mentioned in the preceding paragraphs, being modifications of which he has given notice in accordance with regulations under Part II of that Act.
- (2) In paragraph (b) of the said section 192(1) (land allocated for the purposes of functions of public authorities by a local plan in force for the relevant district and land defined in such a plan as the site of proposed development for the purposes of any such functions) the reference to a local plan in force shall include a reference to—
  - (a) a local plan of which copies have been made available for inspection under section 12(2) of the Act of 1971 ;
  - (b) proposals for alterations to a local plan of which copies have been made available for inspection, under section 15(3) of that Act;
  - (c) modifications proposed to be made by the local planning authority or the Secretary of State in any such plan or proposals as are mentioned in the preceding paragraphs, being modifications of which notice has been given by

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*Status: This is the original version (as it was originally enacted).*

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the authority or the Secretary of State in accordance with regulations under Part II of that Act.

- (3) In section 138(1)(b) of the Town and Country Planning Act 1962 as it has effect by virtue of paragraph 58 of Schedule 24 to the Act of 1971 (provisions corresponding to section 192(1)(b) of the Act of 1971 pending coming into force of local plans) the reference to a development plan shall include a reference to—
- (a) proposals for alterations to a development plan submitted to the Secretary of State under paragraph 3 or 9 of Schedule 5 to the Act of 1971;
  - (b) modifications proposed to be made by the Secretary of State in any such proposals, being modifications of which notice has been given by the Secretary of State by advertisement.
- (4) No blight notice shall be served by virtue of subsection (1) or (2) above at any time after the copies of the plan or proposals made available for inspection have been withdrawn under—
- (a) section 8(6) or 12(5) of the Act of 1971 (directions by Secretary of State requiring further publicity); or
  - (b) section 10B of that Act (withdrawal of structure plans);
- but so much of the said section 10B as provides that a structure plan which has been withdrawn shall be treated as never having been submitted shall not invalidate any blight notice served by virtue of subsection (1)(a) above before the withdrawal of the structure plan.
- (5) No blight notice shall be served by virtue of this section after the relevant plan or alterations have come into force (whether in their original form or with modifications) or the Secretary of State has decided to reject or, in the case of a local plan, the local planning authority have decided to abandon the plan or alterations and notice of the decision has been given by advertisement.
- (6) Where an appropriate authority have served a counter-notice objecting to a blight notice served by virtue of this section, then, if the relevant plan or alterations come into force (whether in their original form or with modifications) the appropriate authority may serve on the claimant, in substitution for the counter-notice already served, a further counter-notice specifying different grounds of objection, and section 195 of the Act of 1971 (reference of objections to Lands Tribunal) shall have effect in relation to the further counter-notice as it has effect in relation to the counter-notice already served:
- Provided that a further counter-notice under this subsection shall not be served—
- (a) at any time after the end of the period of two months beginning with the date on which the relevant plan or alterations come into force; or
  - (b) if the objection in the counter-notice already served has been withdrawn or the Lands Tribunal has already determined whether or not to uphold that objection.
- (7) References in subsections (1) to (3) above to anything done under any of the provisions there mentioned include references to anything done under those provisions as they apply by virtue of section 17 of, or paragraph 4 of Schedule 5 to, the Act of 1971 (default powers of Secretary of State).
- (8) In the application of this section to Greater London—
- (a) the reference to section 10 of the Act of 1971 shall include a reference to paragraph 6 of Schedule 4 to that Act;

- (b) for the reference to section 12(2) of that Act there shall be substituted a reference to paragraphs 12(2) and 13(2) of that Schedule;
  - (c) for the reference to section 12(5) of that Act there shall be substituted a reference to paragraph 14(3) of that Schedule;
  - (d) for the reference to section 15(3) of that Act there shall be substituted a reference to the said section 15(3) as substituted by paragraph 16(1), and to paragraph 16(4), of that Schedule.
- (9) In this section references to alterations to a local plan include references to its replacement, and references to alterations to a development plan include references to additions to it.
- (10) In relation to land tailing within section 192(1)(b) of the Act of 1971 or section 138(1)(b) of the Town and Country Planning Act 1962, as extended by this section, "the appropriate enactment" for the purposes of sections 192 to 207 of the Act of 1971 shall be determined in accordance with section 206(2) of that Act as if references therein to the development plan were references to any such plan, proposal or modifications as are mentioned in subsection (2)(a), (b) or (c) and subsection (3)(a) or (b) above.

## **69 Land affected by proposed highway orders**

- (1) In section 192(1)(d) of the Act of 1971 (land on or adjacent to line of highway proposed to be constructed etc. as indicated in an order or scheme which has come into operation under the provisions of Part II of the Highways Act 1959 relating to trunk roads or special roads or in an order which has come into operation under section 1 of the Highways Act 1971) the reference to an order or scheme which has come into operation as aforesaid shall include a reference to—
- (a) an order or scheme which has been submitted for confirmation to, or been prepared in draft by, the Secretary of State under the provisions of Part II of the said Act of 1959 relating to trunk roads or special roads and in respect of which a notice has been published under paragraph 1, 2 or 7 of Schedule 1 to that Act;
  - (b) an order which has been submitted for confirmation to the Secretary of State under the said section 1 and in respect of which a notice has been published under paragraph 2 of that Schedule.
- (2) No blight notice shall be served by virtue of this section at any time after the relevant order or scheme has come into operation (whether in its original form or with modifications) or the Secretary of State has decided not to confirm or make the order or scheme.
- (3) Subsection (6) of section 68 above shall have effect in relation to a blight notice served by virtue of this section as it has effect in relation to a blight notice served by virtue of that section taking references to the relevant plan or alterations as references to the relevant order or scheme.

## **70 Land affected by proposed compulsory purchase orders**

- (1) Section 192(1)(g) and (f) of the Act of 1971 (land in respect of which a compulsory purchase order is in force where a notice to treat has not been served) shall apply also to land in respect of which a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister and in respect of which a notice has been published under paragraph 3(1)(a) of Schedule 1 to the Acquisition

of Land (Authorisation Procedure) Act 1946 or under any corresponding enactment applicable thereto.

- (2) No blight notice shall be served by virtue of this section at any time after the relevant compulsory purchase order has come into force (whether in its original form or with modifications) or the Minister concerned has decided not to confirm or make the order.
- (3) In relation to land falling within the said section 192(1)(g) or (i) by virtue of this section " the appropriate enactment" for the purposes of sections 192 to 207 of the Act of 1971 shall be the enactment which would provide for the compulsory acquisition of the land or of the rights over the land if the relevant compulsory purchase order were confirmed or made.

## **71 Land affected by resolution of planning authority or directions of Secretary of State**

- (1) Section 192(1) of the Act of 1971 shall have effect as if the land specified therein included land which—
  - (a) is land indicated in a plan (not being a development plan) approved by a resolution passed by a local planning authority for the purpose of the exercise of their powers under Part III of that Act as land which may be required for the purposes of any functions of a government department, local authority or statutory undertakers; or
  - (b) is land in respect of which a local planning authority have resolved to take action to safeguard it for development for the purposes of any such functions or been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.
- (2) Paragraph (a) of the said section 192(1) shall not apply to land within subsection (1) above.
- (3) In relation to land falling within subsection (1) above " the appropriate enactment" for the purposes of sections 192 to 207 of the Act of 1971 shall be determined in accordance with section 206(2) of that Act as if references therein to the development plan were references to the resolution or direction in question.

## **72 Land affected by orders relating to new towns**

- (1) Section 192(1) of the Act of 1971 shall have effect as if the land specified therein included land which—
  - (a) is land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the New Towns Act 1965 ; or
  - (b) is land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the said Act of 1965.
- (2) No blight notice shall be served by virtue of subsection (1)(a) above at any time after the order there mentioned has come into operation (whether in the form of the draft or with modifications) or the Secretary of State has decided not to make the order.
- (3) Until such time as a development corporation is established for the new town, sections 192 to 207 of the Act of 1971 shall have effect in relation to land within subsection (1) above as if " the appropriate authority " and " the appropriate enactment" were the Secretary of State and subsection (4) below respectively.

- (4) Until such time as aforesaid the Secretary of State shall have power to acquire compulsorily any interest in land in pursuance of a blight notice served by virtue of subsection (1) above; and where he acquires an interest as aforesaid, then—
  - (a) if the land is or becomes land within subsection (1)(b) above, the interest shall be transferred by him to the development corporation established for the new town ; and
  - (b) in any other case, the interest may be disposed of by him in such manner as he thinks fit.
- (5) The Land Compensation Act 1961 shall have effect in relation to the compensation payable in respect of the acquisition of an interest by the Secretary of State under subsection (4) above as if the acquisition were by a development corporation under the New Towns Act 1965 and as if, in the case of land within subsection (1)(a) above, the land formed part of an area designated as the site of a new town by an order which has come into operation under section 1 of the said Act of 1965.
- (6) Section 11 of the said Act of 1965 (right to require development corporation to acquire land within area designated as the site of a new town) shall cease to have effect except in relation to any notice served under that section before the coming into force of this section.

### **73 Land affected by slum clearance resolution**

- (1) Section 192(1) of the Act of 1971 shall have effect as if the land specified therein included land which—
  - (a) is land within an area declared to be a clearance area by a resolution under section 42 of the Housing Act 1957; or
  - (b) is land surrounded by or adjoining an area declared as aforesaid to be a clearance area, being land which a local authority have determined to purchase under section 43 of that Act.
- (2) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of subsection (1) above shall not include those specified in section 194(2)(b) or (c) of the Act of 1971 (no intention to acquire the land).
- (3) In relation to land within subsection (1) above " the appropriate enactment" for the purposes of sections 192 to 207 of the Act of 1971 shall be section 43 of the Housing Act 1957.
- (4) Where an interest in land is acquired in pursuance of a blight notice served by virtue of subsection (1)(a) above the compensation payable for the acquisition shall be assessed in accordance with section 59(2) of the said Act of 1957 (site value) and paragraph 2 of Schedule 2 to the Land Compensation Act 1961 shall not apply.
- (5) Where the land in which an interest is acquired as aforesaid comprises a house—
  - (a) section 60 of, and Part I of Schedule 2 to, the said Act of 1957 (payments in respect of well-maintained houses) shall have effect as if the house had been made the subject of a compulsory purchase order under Part III of that Act as being unfit for human habitation;
  - (b) Part II of Schedule 2 to the said Act of 1957 and Schedule 5 to the Housing Act 1969 (payments to owner-occupiers) shall have effect as if the house had been purchased at site value in pursuance of a compulsory purchase order made by virtue of the said Part III;

and references in the said Schedules 2 and 5 to the date of the making of the compulsory purchase order and the date when the house was purchased compulsorily shall be respectively construed as references to the date of service of the blight notice and the date of acquisition in pursuance of that notice.

#### **74 Land affected by proposed exercise of powers under section 22**

- (1) in section 192(1)(d) of the Act of 1971—
- (a) the reference to a power of compulsory acquisition conferred by any of the provisions there mentioned shall include a reference to the power of compulsory acquisition conferred by section 22(1) above ;
  - (b) the reference to land required for purposes of construction, improvement or alteration as indicated in an order or scheme there mentioned shall include a reference to land required for the purposes of the said section 22(1).
- (2) Section 192(1) of the Act of 1971 shall have effect as if the land specified therein included land which—
- (a) is land shown on plans approved by a resolution of a local highway authority as land proposed to be acquired by them for the purposes of the said section 22(1); or
  - (b) is land shown in a written notice given by the Secretary of State to the local planning authority as land proposed to be acquired by him for those purposes in connection with a trunk road or special road which he proposes to provide.

#### **75 Land affected by compulsory purchase orders providing for acquisition of rights over land**

- (1) Section 192(1)(g) of the Act of 1971 (land in respect of which there is in force a compulsory purchase order made by a highway authority in the exercise of highway land acquisition powers and providing for the acquisition of rights over land) shall apply generally to land in respect of which there is in force a compulsory purchase order providing for the acquisition of a right or rights over that land, and the provisions of that Act mentioned in subsections (2) and (3) below shall accordingly be amended in accordance with those subsections.
- (2) In the said section 192(1)(g)—
- (a) in sub-paragraph (i) for the words from "made by" to " 1971" there shall be substituted the word " providing ";
  - (b) in sub-paragraph (ii) for the words " highway authority " there shall be substituted the words " appropriate authority ".
- (3) In section 194—
- (a) in subsection (4) for the words " is one of the enactments conferring highway land acquisition powers" there shall be substituted the words " confers power to acquire rights over land ";
  - (b) in subsection (6), in paragraphs (a) and (b), after the word "acquire" there shall be inserted the words " or to acquire any rights over " and the words following paragraph (b) as far as the semi-colon shall be omitted.

## **76 Land affected by new street orders**

- (1) Section 192(1) of the Act of 1971 shall have effect as if the land specified therein included land which—
  - (a) either—
    - (i) is within the outer lines prescribed by an order under section 159 of the Highways Act 1959 (orders prescribing minimum width of new streets); or
    - (ii) has a frontage to a highway declared to be a new street by an order under section 30 of the Public Health Act 1925 and lies within the minimum width of the street prescribed by any byelaws or local Act applicable by virtue of the order; and
  - (b) is, or is part of—
    - (i) a dwelling erected before, or under construction on, the date on which the order is made; or
    - (ii) the curtilage of any such dwelling.
- (2) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of subsection (1) above shall not include those specified in section 194(2)(b) or (c) of the Act of 1971.
- (3) In relation to land within subsection (1) above " the appropriate authority " and " the appropriate enactment " for the purposes of sections 192 to 207 of the Act of 1971 shall be the highway authority for the highway in relation to which the order mentioned in that subsection was made and section 214(8) of the said Act of 1959 respectively.
- (4) This section shall not enable a blight notice to be served in respect of any land in which the appropriate authority have previously acquired an interest either in pursuance of a blight notice served by virtue of this section or by agreement in circumstances such that they could have been required to acquire it in pursuance of such a notice.