



# Land Compensation Act 1973

## 1973 CHAPTER 26

### PART I

#### COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

#### **1 Right to compensation.**

- (1) Where the value of an interest in land is depreciated by physical factors caused by the use of public works, then, if—
  - (a) the interest qualifies for compensation under this Part of this Act; and
  - (b) the person entitled to the interest makes a claim [<sup>F1</sup>after the time provided] by and otherwise in accordance with this Part of this Act,compensation for that depreciation shall, subject to the provisions of this Part of this Act, be payable by the responsible authority to the person making the claim (hereafter referred to as “the claimant”).
- (2) The physical factors mentioned in subsection (1) above are noise, vibration, smell, fumes, smoke and artificial lighting and the discharge on to the land in respect of which the claim is made of any solid or liquid substance.
- (3) The public works mentioned in subsection (1) above are—
  - (a) any highway;
  - (b) any aerodrome; and
  - (c) any works or land (not being a highway or aerodrome) provided or used in the exercise of statutory powers.
- (4) The responsible authority mentioned in subsection (1) above is, in relation to a highway, the appropriate highway authority and, in relation to other public works, the person managing those works.
- (5) Physical factors caused by an aircraft arriving at or departing from an aerodrome shall be treated as caused by the use of the aerodrome whether or not the aircraft is within the boundaries of the aerodrome; but, save as aforesaid, the source of the physical factors must be situated on or in the public works the use of which is alleged to be their cause.

*Status: Point in time view as at 14/09/2006.*

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- (6) Compensation shall not be payable under this Part of this Act in respect of the physical factors caused by the use of any public works other than a highway unless immunity from actions for nuisance in respect of that use is conferred (whether expressly or by implication) by an enactment relating to those works or, in the case of an aerodrome and physical factors caused by aircraft, the aerodrome is one to which [<sup>F2</sup>section 77(2) of the Civil Aviation Act 1982](immunity from actions for nuisance) for the time being applies.
- (7) Compensation shall not be payable under this Part of this Act in respect of physical factors caused by accidents involving vehicles on a highway or accidents involving aircraft.
- (8) Compensation shall not be payable under this Part of this Act on any claim unless the relevant date in relation to the claim falls on or after 17th October 1969.
- (9) Subject to section 9 below, “the relevant date” in this Part of this Act means—
- (a) in relation to a claim in respect of a highway, the date on which it was first open to public traffic;
  - (b) in relation to a claim in respect of other public works, the date on which they were first used after completion.

#### **Textual Amendments**

- F1** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 112\(3\)\(9\)](#) except in cases where the relevant date was more than 3 years before 13.11.1980
- F2** Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\), Sch. 15 para. 12\(1\)](#)

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