



Land Compensation Act 1973

1973 CHAPTER 26

PART I

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

2 Interests qualifying for compensation.

- (1) An interest qualifies for compensation under this Part of this Act if it was acquired by the claimant before the relevant date in relation to the claim and the requirements of subsection (2) or, as the case may be, subsection (3) below are satisfied on the date on which notice of the claim for compensation in respect of that interest is served.
- (2) If and so far as the interest is in land which is a dwelling, the said requirements are—
 - (a) that the interest is an owner's interest; and
 - (b) where the interest carries the right to occupy the land, that the land is occupied by the claimant in right of that interest as his residence.
- (3) If and so far as the interest is not in such land as aforesaid, the said requirements are—
 - (a) that the interest is that of an owner-occupier; and
 - (b) that the land is or forms part of either—
 - (i) a hereditament the annual value of which does not exceed the prescribed amount; or
 - (ii) an agricultural unit.
- (4) In this section "owner's interest" in relation to any land, means the legal fee simple therein or a tenancy thereof granted or extended for a term of years certain of which, on the date of service of the notice of claim in respect thereof, not less than three years remain unexpired.
- (5) In this section "owner-occupier", in relation to land in a hereditament, means a person who occupies the whole or a substantial part of the land in right of an owner's interest therein and, in relation to land in an agricultural unit, means a person who occupies the whole of that unit and is entitled, while so occupying it, to an owner's interest in the whole or any part of that land.

Status: Point in time view as at 13/12/2006.

Changes to legislation: Land Compensation Act 1973, Section 2 is up to date with all changes known to be in force on or before 21 September 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)

- (6) In this section “the prescribed amount” means the amount for the time being prescribed for the purposes of [^{F1}section 149(3)(a) of the Town and Country Planning Act 1990](interests qualifying for protection under planning blight provisions) and “annual value” and “hereditament” have the meanings given in [^{F2}section 171] of that Act taking references to the date of service of a notice under [^{F3}section 150] of that Act as references to the date on which notice of the claim is served.
- (7) This section has effect subject to sections 10(4), 11 and 12 below.
- (8) ^{F4}

Textual Amendments

F1 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 29\(1\)\(a\)](#)

F2 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 29\(1\)\(b\)](#)

F3 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 29\(1\)\(c\)](#)

F4 Ss. 2(8), 4(6), 5(6), 6(7), 8(8), 10(5), 11(6) repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [Sch. 2 Pt. I](#)

Status:

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