



Land Compensation Act 1973

1973 CHAPTER 26

PART IV

COMPULSORY PURCHASE

Severance of land

58 Determination of material detriment where part of house etc. proposed for compulsory acquisition.

- (1) In determining under section 8(1) or 34(2) of the ^{M1}Compulsory Purchase Act 1965, ^{F1}or [^{F2}section 166(2) of the Town and Country Planning Act 1990] whether—
- part of a house, building or manufactory can be taken without material detriment or damage to the house, building or manufactory; or
 - part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the Lands Tribunal shall take into account not only the effect of the severance but also the use to be made of the part proposed to be acquired and, in a case where the part is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.

- (2) Subsection (1) above shall apply with the necessary modifications to any determination—
- under the said section 8(1) as substituted by [^{F3}paragraph 7 of Schedule 19 to the ^{M2}Highways Act 1980] or [^{F4}paragraph 8 of Schedule 3 to the Gas Act 1986][^{F5}paragraph 4 of [^{F6}Schedule 9 to the Water Industry Act 1991 or of Schedule 18 to the Water Resources Act 1991]](compulsory acquisition of rights over land); or
 - under any provision corresponding to or substituted for the said section 8(1) which is contained in, or in an instrument made under, any other enactment including (except where otherwise provided) an enactment passed after this Act.

Status: Point in time view as at 01/12/1991. This version of this provision has been superseded.

Changes to legislation: Land Compensation Act 1973, Section 58 is up to date with all changes known to be in force on or before 25 July 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)

(3) F7

Textual Amendments

- F1** Words repealed by [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) (c. 66, SIF 28:1), s. 16(3), [Sch. 5](#)
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, [Sch. 2 para. 29\(10\)](#)
- F3** Words substituted by [Highways Act 1980](#) (c. 66), [Sch. 24 para. 23\(c\)](#)
- F4** Words substituted by [Gas Act 1986](#) (c. 44, SIF 44:1), s. 67(1), [Sch. 7 para. 14\(2\)](#)
- F5** Words inserted by [Water Act 1989](#) (c. 15, SIF 130), s. 190, [Sch. 25 para. 44\(2\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F6** Words in s. 58(2) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 2(1), 4(2), [Sch. 1 para. 23](#)
- F7** Ss. 48(7), 49, 51(7), 52(13), 54(9), 55(5), 56(5), 57(4)–(6), 58(3), 59(8), 60, 61(6), 62, 63(2), 65–67 repealed by [Land Compensation \(Scotland\) Act 1973](#) (c. 56), [Sch. 2 Pt. I](#)

Modifications etc. (not altering text)

- C1** [S. 58\(1\)](#) modified (18.6.1992) by [Compulsory Purchase Act 1965](#) (c. 56), as applied (with modifications) by [British Railways \(No. 2\) Act 1992](#) (c. xi), s. 27, [Sch. 3 para. 2](#).
[S. 58](#) modified (10.11.1993) by [1965 c. 56, s. 8\(4\)](#) (as substituted by [1993 c. 28, s. 169, Sch. 20 para. 22](#); [S.I. 1993/2762, art. 3](#)).
[S. 58\(1\)](#) modified (27.8.1998) by [S.I. 1998/1936, art. 29\(3\)](#), [Sch. 7 para. 2\(1\)\(3\)](#) (with art. 45)
[S. 58](#) applied (with modifications) (19.2.1999) by [S.I. 1999/537, art. 7\(2\)](#), [Sch. 2 para. 10](#)
[S. 58](#) applied (with modifications) (21.7.1999) by [S.I. 1999/2129, art. 15\(3\)](#), [Sch. 5 para. 2](#)
[S. 58](#) applied (with modifications) (23.8.1999) by [S.I. 1999/2981, art. 17\(3\)](#), [Sch. 7 paras. 1, 2](#)

Marginal Citations

- M1** 1965 c. 56.
M2 1980 c. 66.

Status:

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