

Status: Point in time view as at 01/04/1998.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 13(3).

ADAPTATION OF ENACTMENTS IN CONNECTION WITH COMPULSORY PURCHASES OF RIGHTS

PART I

F1

Textual Amendments

F1 Sch. 1 Pt. I repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), Sch. 6 Pt. I

PART II

ADAPTATION OF PART I OF THE ACT OF 1965

6 In the ^{M1}Compulsory Purchase Act 1965 (hereafter in this Schedule referred to as “the Act”) for section 7 (which relates to compensation) there shall be substituted the following—

“7 (1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent, if any, to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words “land is acquired or taken” there shall be substituted the words “ a right over land is purchased ” and for the words “acquired or taken from him” there shall be substituted the words “ over which the right is exercisable ”.”

Marginal Citations

M1 1965 c. 56.

7 For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following—

“8 (1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over land consisting of a

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house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as “the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as “the Tribunal”); and
- (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land, or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the compulsory purchase order to which the notice to treat relates shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

- (2) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.
- (3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section a compulsory purchase order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.
- (4) The modifications subject to which subsection (1) of section 58 of the ^{M2}Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words “ a right over ”, for the word “severance” there shall be substituted the words “ right on the whole of the house, building or manufactory or of the house and the park or garden ” and for the words “part proposed” and “part is” there shall be substituted respectively the words “ right proposed ” and “ right is ”.

Marginal Citations

M2 1973 c. 26.

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- 8 The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely—
section 9(4) (failure of owners to convey);
paragraph 10(3) of Schedule 1 (owners under incapacity);
paragraph 2(3) of Schedule 2 (absent and untraced owners); and
paragraphs 2(3) and 7(2) of Schedule 4 (common land),
shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.
- 9 Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff’s warrant in the event of obstruction) of the Act shall be modified correspondingly.
- 10 Section 20 of the Act (compensation for short-term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.
- 11 Section 22 of the Act (protection of acquiring authority’s possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

^{X1}SCHEDULE 2

Section 81.

ENACTMENTS REPEALED

Editorial Information

- X1** The text of ss. 17(4), 18(1)-(4), 19(6), 22(1)(3), 27(1)(3)(5) and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Chapter	Short title	Extent of repeal
1875 c. 55.	The Public Health Act 1875.	In section 172 the words “and the number of persons to be carried therein”.

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		Sections 253, 262, 293, 294, 299 to 302, 304 and 309.
1936 c. 49.	The Public Health Act 1936.	Sections 89, 221(b), 271, 274, 277 and 286. In section 293 the words “either summarily as a civil debt, or” and subsection (2). Sections 295, 312, 313 and 314. In section 322, subsection (1) and, in subsection (3), paragraph (i) and the words “(ii) in any other case”. Section 323.
1937 c. 46.	The Physical Training and Recreation Act 1937.	Sections 4 and 5. In section 9 the definition of “local authority”.
1946 c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4 the entry relating to section 5 of the Physical Training and Recreation Act 1937.
1949 c. 55.	The Prevention of Damage by Pests Act 1949.	Section 9.
1955 c. 16 (4 Eliz. 2.).	The Food and Drugs Act 1955.	In Part I of Schedule 9, the entries relating to sections 271, 277 and 286 of the Public Health Act 1936 and the reference to section 323 of that Act.
1957 c. 56.	The Housing Act 1957.	Section 170.
1958 c. 36.	The Physical Training and Recreation Act 1958.	The whole Act.
1959 c. 25.	The Highways Act 1959.	Section 117(1)(cc). In paragraph 22(1) of Schedule 24, the words from “so however” onwards.
1961 c. 63.	The Highway (Miscellaneous Provisions) Act 1961.	Section 7.
1961 c. 64.	The Public Health Act 1961.	Sections 75(4), 76(3) and 80.
1961 c. 65.	The Housing Act 1961.	In section 22(4) the words from the beginning to “premises”.

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1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	Section 33(b) and (d).
1969 c. 33.	The Housing Act 1969.	Section 73. In paragraph 11 of Schedule 8 the words “and 170”.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	In section 6(1) the words from “used” to “public”.
1972 c. 70.	The Local Government Act 1972.	In section 144(1)(b) the word “recreation”. Section 233(6).
1974 c. 3.	The Slaughterhouses Act 1974.	In section 32(2) the entries relating to sections 271, 277 and 286 of the Public Health Act 1936 and the reference to section 323 of that Act.
1974 c. 44.	The Housing Act 1974.	In section 48, in subsection (1) paragraph (d) and the words “subject to subsection (2) below”, and subsection (2). Section 126(5)(a).

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