



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XIII

LAND COMPENSATION

Modifications etc. (not altering text)

- C1** Pts. 13, 14: power to amend conferred (26.12.2023) by [Levelling Up and Regeneration Act 2023](#) (c. 55), ss. 132, 255(3)(a) (with s. 247)

112 Claims for compensation for depreciation.

- (1) Part I of the Act of 1973 and Part I of the Scottish Act of 1973 shall be amended as follows.
- (2) In section 3(2) of each Act (no claim under Part I shall be made otherwise than in the claim period, that is to say, the period of two years beginning on the expiration of twelve months from the relevant date) for the words from “otherwise than” onwards there shall be substituted the words “before the expiration of twelve months from the relevant date; and the day next following the expiration of the said twelve months is in this Part of this Act referred to as “the first claim day”.”.
- (3) In section 1(1)(b) of each Act for the words “within the time limited” there shall be substituted the words “after the time provided”.
- (4) In sections 3(3), 4(1) and (2), 12(4) and (5), 16(2) and 18(1) of the Act of 1973 and sections 3(3), 4(1) and 92) and 16 of the Scottish Act of 1973 for the words “the beginning of the claim period” or “the first day of the claim period” wherever they occur, there shall be substituted the words “the first claim day” and in section 16(2) of the Act of 1973 and section 14(2) of the Scottish Act of 1973 for the words “the beginning of that period” there shall be substituted the words “that day”.

Status: Point in time view as at 21/03/2024.

Changes to legislation: Local Government, Planning and Land Act 1980, Part XIII is up to date with all changes known to be in force on or before 26 May 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)

- (5) In section 19(1) of the Act of 1973 and section 17(1) of the Scottish Act of 1973 the definition of “the claim period” shall be omitted and immediately before the definition of “highway” there shall be inserted the following definition—
- ““the first claim day” has the meaning given in section 3(2) above;”.
- (6) After section 19(2) of the Act of 1973 there shall be inserted the following subsection—
- “(2A) For the purposes of the Limitation Act 1939, a person’s right of action to recover compensation under this Part of this Act shall be deemed to have accrued on the first claim day.”.
- (7) After section 17(2) of the Scottish Act of 1973 there shall be inserted the following subsection—
- “(2A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under this Part of this Act, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the first claim day.”.
- (8) In section 19(3) of the Act 1973 and section 17(3) of the Scottish Act of 1973 the words from “but, if it does” onwards shall be omitted.
- (9) Part I of each Act shall have effect without amendments made by the preceding provisions of this section in cases where the relevant date was more than three years before the passing of this Act.

Modifications etc. (not altering text)

C2 The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)—(4)(6)—(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 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.

113 Claims for compensation for depreciation which are out of time on commencement date.

- (1) This section applies to any claim which is made under Part I of the Land Compensation Act on or after the commencement date where—
- (a) the claim period for the claim has expired, or an event before which the claim should have been made has occurred, before that date; and
 - (b) the public works to which the claim relates are a highway in respect of which the Minister or, in England, the Secretary of State was the appropriate highway authority; and
 - (c) the Minister is satisfied that the publicity given to the right to claim compensation in respect of those works and to the period within which and the events before which claims should be made was not such as to make potential claimants sufficiently aware of those matters.

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- (2) Where the claim period for a claim to which this section applies has expired before the commencement date, the Minister shall direct that Part I of the Land Compensation Act shall have effect—
- (a) as if the claim had been made on the first day of the last twelve months of that period; and
 - (b) where the claimant's qualifying interest was acquired as mentioned in section 11 of the Land Compensation Act (interests acquired by inheritance) on or after that day, as if it had been so acquired before that day.
- (3) Where the person who makes a claim to which this section applies has on or after 23rd June 1973 and before the commencement date—
- (a) disposed of the qualifying interest in respect of which the claim is made; or
 - (b) in the case of a qualifying interest in land which is not a dwelling, granted a tenancy of the land so that the interest remaining to him is not a qualifying interest; or
 - (c) in the case of a qualifying interest which is a qualifying tenancy within the meaning of section 12 of the Act of 1973, disposed of the freehold or extended lease acquired by him under Part I of the ^{M1}Leasehold Reform Act 1967,
- the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on the day before the disposal or, as the case may be, the granting of the tenancy.
- (4) Where the person who makes a claim to which this section applies has on or after 17th October 1972 and before 23rd June 1973—
- (a) disposed of the qualifying interest in respect of which the claim is made; or
 - (b) in the case of a qualifying interest in land which is not a dwelling, granted a tenancy of the land so that the interest remaining to him is not a qualifying interest,
- the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on 23rd December 1973.
- (5) Where the qualifying interest in respect of which a claim to which this section applies is made is a tenancy granted or extended for a term of years certain or, in Scotland, for a period of which—
- (a) three years or more remained unexpired on the first day of the claim period or, as the case may be, the first claim day; and
 - (b) less than three years remains unexpired on the commencement date,
- the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on the day on which three years of that term or period remained unexpired.
- (6) In the case of a claim to which both subsection (2) and subsection (3) or subsection (5) above apply, the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on whichever of the days mentioned in those two subsections is the earlier.
- (7) Any notice of a claim to which subsection (3), (4) or (5) above applies shall specify, in addition to the matters mentioned in section 3 of the Land Compensation Act, the date of the disposal, the date of the granting of the tenancy or, as the case may be, the date on which three years of the term or period remained unexpired.

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- (8) Section 8(1) of the Land Compensation Act (compensation payable once only in respect of the same works and the same land) shall have effect in relation to any claim to which this section applies as if any ex gratia payment made by the Minister or, as the case may be, the Secretary of State in respect of a claim which—
- (a) was made before the commencement date in relation to the same works and the same land; and
 - (b) was disallowed on the ground that the claim period for the claim had expired, or an event before which the claim should have been made had occurred, before the day on which the claim was made,
- had been a payment of compensation on that claim.
- (9) Where compensation is payable on a claim to which this section applies, the compensation shall not carry interest under section 18(1) of the Act of 1973 or, as the case may be, section 16 of the Scottish Act of 1973 for the period beginning with the commencement date and ending with the date on which the claim is made unless either that period is a period of not more than six months or—
- (a) the claimant had made a similar claim before the commencement date; and
 - (b) that claim was disallowed on the ground that the claim period for the claim had expired, or an event before which the claim should have been made had occurred, before the day on which the claim was made.
- (10) For the purposes of the ^{M2}Limitation Act 1939, a person’s right of action to recover compensation under Part I of the Act of 1973 on a claim to which this section applies shall be deemed to have accrued on the commencement date, and not, in any case to which section 19(2A) of the Act of 1973 applies, the first claim day.
- (11) Section 6 of the ^{M3}Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under Part I of the Scottish Act of 1973 arising on a claim to which this section applies, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the commencement date, and not, in any case to which section 17(2A) of the said Scottish Act of 1973 applies, the first claim day.
- (12) In this section—
- “commencement date” means the date of the passing of this Act;
- “the Minister” means the Minister of Transport in relation to England and the Secretary of State in relation to *Scotland and Wales*.
- (13) This section—
- (a) in its application to England and Wales, shall be construed as one with Part I of the Act of 1973; and
 - (b) in its application to Scotland, shall be construed as one with Part I of the Scottish Act of 1973.

Marginal Citations

- M1** 1967 c. 88(75:1).
M2 1939 c. 21.
M3 1973 c. 52.

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114 Claims for home loss payments.

(1) Section 32 of the Act of 1973 and section 29 of the Scottish Act of 1973 (home loss payments) shall be amended as follows.

^{F1}(2)

(3) In subsection (4) of each section for the words from the beginning to “expiration of that period” there shall be substituted the words “ Where a person (“the deceased”) entitled to a home loss payment dies without having claimed it, a claim to the payment may be made ”.

(4) After subsection (7) of the said section 32 there shall be inserted the following subsection—

“(7A) For the purposes of the Limitation Act 1939 a person’s right of action to recover a home loss payment shall be deemed to have accrued on the date of the displacement.”.

(5) After subsection (7) of the said section 29 there shall be inserted the following subsection—

“(7A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make a home loss payment, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the date of the displacement.”.

(6) Each section shall have effect without the amendments made by the preceding provisions of this section in cases where the date of displacement was more than six months before the passing of this Act.

Textual Amendments

F1 S. 114(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1, 123:2\)](#), s. 84(6), [Sch. 19, Pts. III, IV](#) (with s. 84(5)); [S.I. 1991/2092, art.3, Sch](#); [S.I. 1991/2067, art.3](#)

Modifications etc. (not altering text)

C3 The text of s. 114 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.

115 Interpretation of Part XIII.

In this Part of this Act—

“the Act of 1973” means the ^{M4}Land Compensation Act 1973;

“the Scottish Act of 1973” means the ^{M5}Land Compensation (Scotland) Act 1973;

“the Land Compensation Act” means the Act of 1973 in relation to England and Wales and the Scottish Act of 1973 in relation to Scotland.

Marginal Citations

M4 [1973 c. 26 \(28:1\)](#).

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M5 1973 c. 56 (28:2).

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