

Status: Point in time view as at 05/11/1993.

Changes to legislation: Local Government, Planning and Land Act 1980, SCHEDULE 33 is up to date with all changes known to be in force on or before 24 June 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)

SCHEDULES

SCHEDULE 33

Section 193.

MINOR AND CONSEQUENTIAL AMENDMENTS

Commissioners of Works Act 1894 (c. 23)

- 1 (1) Section 1 of the Commissioners of Works Act 1894 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 2 of Schedule 10 to the ^{M1}Community Land Act 1975.
- (2) For subsection (1) of section 1 of the said Act of 1894 (which applies the Land Clauses Acts to acquisitions under the ^{M2}Commissioners of Works Act 1852), there shall in relation to England and Wales be substituted the following subsection—
- “(1) For the purpose of purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply.
- In the said Part I as so applied the word “land” means (except where the context otherwise requires) any corporeal hereditament, including a building, in relation to the acquisition of land under the said Act of 1852, includes any interest in or right over land.”.
- (3) For subsection (1) of section 1 of the said Act of 1894 there shall in relation to Scotland be substituted the following subsection—
- “(1) For the purpose of the purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the Lands Clauses Acts (except so much thereof as relates to the acquisition of land otherwise than by agreement, and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845), and sections 6 and 70 of the Railway Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) are hereby incorporated with the said Act of 1852, and, in construing those Acts for the purposes of the said Act of 1852, that Act shall be deemed to be the special Act and the Secretary of State shall be deemed to be the promoter of the undertaking or company, as the case may require.
- In relation to the acquisition of land under the said Act of 1852, “land” includes any interest in or right over land.”.
- (4) This paragraph shall have effect only in relation to agreements entered into after 12 December 1975.

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Modifications etc. (not altering text)

C1 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Marginal Citations

M1 1975 c. 77.
M2 1852 c. 28.

Agricultural Land (Utilisation) Act 1931 (c. 41)

- 2 The following subsections shall be added after section 12(1) of the Agricultural Land (Utilisation) Act 1931 (power of county councils to provide cottage holdings)

“(1A) If the tenant of a cottage holding feels aggrieved by a prohibition such as is mentioned in the proviso to section 47(1) of the Small Holdings and Allotments Act 1908 (prohibition of improvements), he may appeal to the Minister of Agriculture, Fisheries and Food, who may confirm, vary or annul the prohibition, and the decision of the Minister shall be final.”.

Modifications etc. (not altering text)

C2 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Lands Tribunal Act 1949 (c. 42)

- 3 (1) Section 3 of the Lands Tribunal Act 1949 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 3 of Schedule 10 to the ^{M3}Community Land Act 1975.

- (2) In section 3 of the Lands Tribunal Act 1949 (rules regulating proceedings before the Land Tribunal) after subsection (6) there shall be inserted the following subsections—

“(6A) It is hereby declared that this section authorises the making of rules which allow the Tribunal to determine cases without an oral hearing.

(6B) The rules shall require that the determination without an oral hearing of any disputed claim for compensation which—

- (a) is payable in respect of a compulsory acquisition of land, or
- (b) depends directly or indirectly on the value of any land,

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shall require the consent of the person making the claim.

(6C) Where the Tribunal determine a case without an oral hearing, subsection (3) of this section shall apply subject to such modifications as may be prescribed by the rules.”

(3) In sections 3(6)(b) of the ^{M4}Lands Tribunal Act 1949 (provision for the Tribunal to sit with assessors) for “sit with” there shall be substituted “ be assisted by ”.

Modifications etc. (not altering text)

C3 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Marginal Citations

M3 1975 c. 77.

M4 1949 c. 42.

Landlord and Tenant Act 1954 (c. 56)

4 (1) In subsection (2) of section 37 of the Landlord and Tenant Act 1954 (compensation where order for new tenancy precluded on certain grounds) the words “ the product of the appropriate multiplier and ” shall be inserted after the word “be” in paragraphs (a) and (b).

(2) The following subsections shall be added after subsection (7) of that section :—

“(8) In subsection (2) of this section “the appropriate multiplier” means such multiplier as the Secretary of State may by order made by statutory instrument prescribe.

(9) A statutory instrument containing an order under subsection (8) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

Modifications etc. (not altering text)

C4 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

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Land Compensation Act 1961 (c. 33)

- 5 (1) Sections 2(2), 15(5) and 19(3) of the ^{M5}Land Compensation Act 1961 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act of paragraph 4(1) to (3) and (5) of Schedule 10 to the ^{M6}Community Land Act 1975.
- (2) At the end of section 2(2) of the Land Compensation Act 1961 (tribunal to sit in public) there shall be added—
 - “Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949”.
- (3) In section 15(5) of the Land Compensation Act 1961 (assumption as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “ would have been ” and after the word “thereof” there shall be inserted the words “ if it were not proposed to be acquired by any authority possessing compulsory purchase powers ”.
- (4) In section 19(3) of the Land Compensation Act 1961 (extension of sections 17 and 18 to special cases) there shall be substituted for the words “paragraph (a)” the words “ paragraphs (a) and (b) ” and for the words “paragraph (b)” the words “ paragraph (c) ”.
- (5) Sub-paragraphs (3) and (4) above shall have effect only in relation to applications, or certificates issued in pursuance of applications made after 12 December 1975.

Modifications etc. (not altering text)

C5 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Marginal Citations

M5 1961 c. 33.
M6 1975 c. 77.

^{F16}

Textual Amendments

F1 Sch. 16 para. 10 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. I

Land Compensation (Scotland) Act 1963 (c. 51)

- 7 (1) Sections 9(2), 23(5) and 27(5) of the Land Compensation (Scotland) Act 1963 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act paragraph 5(1) to (3) and (5) of Schedule 10 to the ^{M7}Community Land Act 1975.

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(2) At the end of section 9(2) of the Land Compensation (Scotland) Act 1963 (tribunal to sit in public) there shall be added—

“Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949.”.

(3) In section 23(5) of the Land Compensation (Scotland) Act 1963 (assumptions as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “would have been ” and after the word “thereof” there shall be inserted the words “ if it were not proposed to be acquired by any authority possessing compulsory purchase powers ”.

(4) In section 27(5) of the Land Compensation (Scotland) Act 1963 (extension of sections 25 and 26 to special cases) there shall be substituted for the words “section 25(3)(a)” the words “ subsection (3)(a) and (b) of section 25 ” and for the words “subsection (3)(b)” the words “ subsection (3)(c) ”.

(5) Sub-paragraphs (3) and (4) above shall have effect only in relation to application to applications, or certificates issued in pursuance of applications, made after 12 December 1975.

(6) In Schedule 2 to the Land Compensation (Scotland) Act 1963 (acquisition of houses as being unfit for human habitation) at the end of paragraph 1(1) there shall be added “or

(h) an acquisition by means of an order under section 141 of the Local Government, Planning and Land Act 1980 vesting land in an urban development corporation; or

(i) an acquisition by such a corporation under section 142 of that Act.”.

Modifications etc. (not altering text)

C6 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Marginal Citations

M7 1975 c. 77.

F28

Textual Amendments

F2 Sch. 27 para. 14, Sch. 33 paras. 6, 8 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

F39—11.

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Textual Amendments

F3 Sch. 33 paras. 9–11 repealed (E.W.) by S.I. 1990/766, art. 3, Sch. 1

^{F4}12

Textual Amendments

F4 Sch. 33 para. 12 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

Local Government Act 1972 (c. 70)

- 13 (1) Paragraph 55 of Schedule 16 to the Local Government Act 1972 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 8(2) of Schedule 10 to the ^{M8}Community Land Act 1975.
- (2) In the said paragraph 55 (which makes provision as to the exercise of functions under section 17 of the ^{M9}Land Compensation Act 1961 elsewhere than in Greater London) for the words “might reasonably have been expected to be granted”, in both places where they occur, there shall be substituted the words “would have been granted if the land in question were not proposed to be acquired by any authority possessing compulsory purchase powers.”

This sub-paragraph shall have effect only in relation to applications made after 12 December 1975.

Modifications etc. (not altering text)

C7 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Marginal Citations

M8 1975 c. 77.

M9 1961 c. 33.

Housing Act 1980 (c. 51)

- 14 In Schedule 5 to the Housing Act 1980 (application of ^{M10}Landlord and Tenant Act 1954 to assured tenancies) the following paragraph shall be inserted after paragraph 7:—

“7A The power to prescribe a multiplier conferred by subsection (8) of that section includes a power to prescribe a multiplier in relation to assured tenancies different from that prescribed in relation to other tenancies to which Part II of the Landlord and Tenant Act 1954 applies.”

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C8 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 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.

Marginal Citations

M10 1954 c. 56.

Status:

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