



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

General and supplemental provisions

117 General provisions as to compensation for depreciation under Part IV.

- (1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 5 of the ^{M1}Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) Subject to regulations [^{F1}by virtue of section 116], this section applies to any compensation which under the provisions of this Part is payable in respect of depreciation of the value of an interest in land.
- (3) Where an interest in land is subject to a mortgage—
 - (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
 - (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

Status: Point in time view as at 01/10/2011.

Changes to legislation: Town and Country Planning Act 1990, Cross Heading: General and supplemental provisions is up to date with all changes known to be in force on or before 06 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)

Textual Amendments

- F1** Words in s. 117(2) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 21, Sch. 1, para.10](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

Modifications etc. (not altering text)

- C1** Ss. 117, 118 extended (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\), s. 16\(5\)](#); S.I. 1992/725, [arts. 2, 3](#)
- C2** S. 117 applied (1.10.2011) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) Regulations 2011 \(S.I. 2011/2055\), regs. 1, 65](#)

Marginal Citations

- M1** 1961 c.33.

118 Determination of claims for compensation.

- (1) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the [^{F2}Upper Tribunal].
- (2) In relation to the determination of any such question, the provisions of [^{F3}section] 4 of the ^{M2}Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

- F2** Words in s. 118(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\), art. 5\(1\)\(2\), Sch. 1 para. 195\(a\)](#)
- F3** Words in s. 118(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\), art. 5\(1\)\(2\), Sch. 1 para. 195\(b\)](#)

Modifications etc. (not altering text)

- C3** S. 118 extended (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\), s. 16\(5\)](#); S.I. 1992/725, [arts. 2, 3](#)
- S. 118 applied (10.11.1993) by 1993 c. 28, [s. 163\(9\)](#); S.I. 1993/2762, [art. 3](#)
- S. 118 applied (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, [s. 21\(9\)](#); S.I. 1998/2952, [art. 2\(2\)](#); S.I. 2000/1173, [art. 2\(c\)](#)
- S. 118 applied (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, [s. 296\(2\)](#), [Sch. 24 para. 31\(6\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, [art. 2\(2\)\(b\)\(c\)](#), [Sch.](#)
- S. 118 applied (1.2.2001 for E., 1.8.2001 for W. in relation to the powers to make regulations under the provisions mentioned in [S.I. 2001/2788, Sch. 1 para. 15](#), otherwise *prosp.*) by 2000 c. 38, [ss. 190\(7\), 275\(1\)](#) (with s. 196); S.I. 2001/57, [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#)); S.I. 2001/2788, [art. 2](#), [Sch. 1 para. 16](#)
- C4** S. 118 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by [Communications Act 2003 \(c. 21\), ss. 118, 411, Sch. 4 para. 6\(7\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, [arts. 1\(2\), 2\(I\)](#), [Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); S.I. 2003/3142, [arts. 1\(2\), 3\(2\)](#) (with art. 11)

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C5 S. 118 applied (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 17\(5\)](#); S.I. 2008/3068, [art. 2\(1\)\(i\)](#) (with savings and transitional provisions in arts. 6-13)

Marginal Citations

M2 [1961 c.33.](#)

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