

## SCHEDULES

### SCHEDULE 12

#### UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

##### *Derivation of unexpended balance from claims under Part VI of 1947 Act*

- 1 (1) In determining for the purposes of this Part whether land has an unexpended balance of established development value, regard shall be had to claims made, in pursuance of Part VI of the 1947 Act, for payments under the scheme provided for by section 58 of that Act (that is to say, the scheme which, but for the provisions of section 2 of the Town and Country Planning Act 1953, would have fallen to be made under the said section 58, providing for payments in respect of interests in land depreciated in value by virtue of the provisions of the 1947 Act).
- (2) Where such a claim was made in respect of an interest in land, that claim shall for the purposes of this Part be taken to have been established in respect of that land under Part VI of the 1947 Act if an amount was determined under that Part as being the development value of the interest to which the claim related, and payment in respect of that interest would not have been excluded—
- (a) by section 63 of the 1947 Act (which excluded claims where the development value was small in proportion to the area, or to the restricted value, of the land); or
  - (b) by any of sections 82 to 85 of that Act (which related to certain land belonging to local authorities, development corporations and statutory undertakers, and to land held on charitable trusts); or
  - (c) by section 84 of that Act as applied by regulations under section 90 of that Act (which related to the National Coal Board).
- (3) In this Part—
- (a) “established claim” means a claim which by virtue of sub-paragraph (2) is to be taken to have been established as mentioned in that sub-paragraph, and references to the establishment of a claim shall be construed accordingly; and
  - (b) “the claim area”, in relation to an established claim, means the land in respect of which the claim is by virtue of that sub-paragraph to be taken to have been established.
- (4) References in this Part to the benefit of an established claim—
- (a) in relation to any time before the passing of the Town and Country Planning Act 1953, whether before or after the making of the claim, or before or after the establishment of it, shall be construed as references to the prospective right, under and subject to the provisions of the scheme referred to in sub-paragraph (1), to receive a payment in respect of the interest in land to which the claim related; and
  - (b) in relation to any time after the passing of that Act, shall be construed as references to such prospective right to the satisfaction of the claim as

*Status: This is the original version (as it was originally enacted).*

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subsisted by virtue of section 2 of that Act immediately before 1st January 1955 (the date of the commencement of the 1954 Act);

and references to part of the benefit of an established claim shall be construed accordingly.

- (5) References in this Part to the amount of an established claim are references to the amount determined under Part VI of the 1947 Act as being the development value of the interest in land to which the claim related.
- (6) In this paragraph any reference to Part VI of the 1947 Act includes a reference to the provisions of that Part as modified by Schedule 1 to the 1954 Act.