



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VI

#### RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

### CHAPTER II

#### INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

##### *Personal representatives, mortgagees and partnerships*

#### **161 Powers of personal representatives in respect of blight notice.**

- (1) In relation to any time after the death of a person who has served a blight notice, sections 151(1), 152(1), 153(1), 154(4) and (5), 156(1) and 160(2) and (4) shall apply as if any reference in them to the claimant were a reference to the claimant's personal representatives.
- (2) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—
  - (a) he is the personal representative of a person ("the deceased") who at the date of his death was entitled to an interest in that hereditament or unit;
  - (b) the interest was one which would have been a qualifying interest if a notice under section 150 had been served in respect of it on that date;
  - (c) he has made reasonable endeavours to sell that interest [<sup>F1</sup>or the land falls within paragraph 21 or paragraph 22 (disregarding the notes) of Schedule 13 and the powers of compulsory acquisition remain exercisable];
  - (d) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land; and

**Status:** Point in time view as at 07/09/2023.

**Changes to legislation:** *Town and Country Planning Act 1990, Section 161 is up to date with all changes known to be in force on or before 19 August 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)*

- (e) one or more individuals are (to the exclusion of any body corporate) beneficially entitled to that interest,
- he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.
- (3) Subject to subsection (4), subsection (2) shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the whole of a hereditament or agricultural unit.
- (4) Subsection (3) shall not enable any person—
- (a) if the deceased was entitled to an interest in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of the deceased’s interest in part of the hereditament or unit; or
  - (b) if the deceased was entitled to an interest only in part of the hereditament or agricultural unit, to make or serve any such claim or notice in respect of the deceased’s interest in less than the whole of that part.
- (5) Subject to sections 151(7) and 159(2) and (3), the grounds on which objection may be made in a counter-notice under section 151 to a notice under this section are those specified in paragraphs (a) to (c) of subsection (4) of that section and, in a case to which it applies, the grounds specified in paragraph (d) of that subsection and also the following grounds—
- (a) that the claimant is not the personal representative of the deceased or that, on the date of the deceased’s death, the deceased was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;
  - (b) that (for reasons specified in the counter-notice) the interest of the deceased is not such as is specified in subsection (2)(b);
  - (c) that the conditions specified in subsection (2)(c), (d) or (e) are not satisfied.

#### **Textual Amendments**

- F1** Words in s. 161(2)(c) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 70, [Sch. 15 para.13](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

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