



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XIV **E+W**

#### FINANCIAL PROVISIONS

#### **308 Recovery from acquiring authorities of sums paid by way of compensation. **E** **+W****

- (1) This section applies where—
  - (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and
  - (b) a notice is registered under section 110(2) <sup>F1</sup> . . . in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.
- (2) Where this section applies the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 110(5) <sup>F1</sup> . . .) is to be treated as attributable to that land.
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) Where the Secretary of State recovers a sum under this section in respect of any land by reason that it is land in respect of which a notice is registered under the provisions of section 110, section 112(11) to (13) shall have effect in relation to that sum as if it were a sum recovered as mentioned in section 112(11).

---

*Status: Point in time view as at 31/05/2018.*

*Changes to legislation: Town and Country Planning Act 1990, Section 308 is up to date with all changes known to be in force on or before 05 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)*

---

(6) In this section <sup>F1</sup> . . . “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest in it.

**Textual Amendments**

**F1** Words in s. 308(1)(b)(2)(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 26(1)(a)(b)(c), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to **art. 4**)

**Status:**

Point in time view as at 31/05/2018.

**Changes to legislation:**

Town and Country Planning Act 1990, Section 308 is up to date with all changes known to be in force on or before 05 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.