



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XIV

FINANCIAL PROVISIONS

309 Recovery from acquiring authorities of sums paid in respect of war-damaged land.

- (1) Where an interest in land is compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers, and a payment exceeding £20 has become or becomes payable under section 59 of the 1947 Act in respect of that interest, the Secretary of State shall, subject to the following provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.
- (2) If, before 18th November 1952, operations were begun in, on, over or under the land, or a use of the land was instituted, and—
 - (a) a development charge has at any time been determined to be payable in respect of the operations or use, or it has at any time been determined that no development charge was payable; or
 - (b) the operations or use were comprised in a scheme of development exempt from development charge,

subsection (1) shall not apply to so much of any payment referred to in that subsection as was attributable to any land in relation to which the determination was made or, as the case may be, which is included in that scheme of development.

- (3) No amount shall be recoverable under this section in respect of any land in relation to which an amount has become recoverable by the Secretary of State under the provisions of section 133 as applied by section 327.
- (4) If the acquisition or sale in question does not extend to the whole of the land to which the payment under section 59 of the 1947 Act related, the amount recoverable under this section shall be so much of that payment as in accordance with subsection (5) is to be treated as apportioned to the land in which the interest acquired or sold subsists.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: *Town and Country Planning Act 1990, Section 309 is up to date with all changes known to be in force on or before 08 September 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)*

- (5) For the purposes of this section a payment under section 59 of the 1947 Act shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under that section, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between different parts of that land.
- (6) In this section references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before 18th November 1952, all those operations and uses would have been exempt from the provisions of Part VII of the 1947 Act by virtue of regulations made under it.
- (7) References in this section to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

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