



Planning and Compensation Act 1991

1991 CHAPTER 34

PART V

MISCELLANEOUS AND GENERAL

80 Interest on compensation and payments on account.

- (1) Compensation payable under any provision mentioned in column 1 of an entry in Part I of Schedule 18 to this Act shall carry interest at the rate for the time being prescribed under section 32 of the ^{M1}Land Compensation Act 1961 or, in relation to Scotland, section 40 of the Land Compensation (Scotland) Act 1963 from the date shown against that provision in column 2 of the entry until payment.
- (2) If it appears to any person that he may become liable to pay to another—
 - (a) compensation under any provision mentioned in Schedule 18 to this Act, or
 - (b) interest under subsection (1) above, under any provision mentioned in Part II of Schedule 18 to this Act or under any bond under section 85 of the ^{M2}Lands Clauses Consolidation Act 1845 or ^{F1}...,he may, if the other person requests him in writing to do so, make one or more payments on account of such compensation or interest.
- (3) If after a payment has been made by any person under subsection (2) above—
 - (a) it is agreed or determined that he is not liable to pay the compensation or interest, or
 - (b) by reason of any agreement or determination, any payment under that subsection is shown to have been excessive,the payment or, as the case may be, excess shall be recoverable by that person.
- (4) The Secretary of State may by order amend that Schedule by adding further entries or provisions to Part I or Part II.
- (5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 16/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Part V. (See end of Document for details)

Textual Amendments

- F1** Words in s. 80(2) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 16 para. 16](#); [S.I. 2016/733](#), reg. 3(j)

Modifications etc. (not altering text)

- C1** S. 80(1) restricted (9.9.1991) by [S.I. 1991/2067](#), art. 4, [Sch. 2 Pt. I para. 5](#), Pt. II para. 6
 S. 80(1) restricted (18.9.1991) by [S.I. 1991/2092](#), art. 4, [Sch. 2 Pt. I para. 5](#), Pt. II para. 7

Commencement Information

- I1** S. 80 wholly in force; S. 80 in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and [S.I. 1991/2067](#), [art. 3](#); s. 80 in force (S.) for certain purposes at 25.9.1991 by [S.I. 1991/2092](#), [art. 3](#); s. 80 in force (E.W.) at 2.1.1991 so far as not already in force by [S.I. 1991/2728](#), [art. 3](#) and s. 80 in force insofar as not already in force (S.) at 30.8.1995 so far as not already in force by [S.I. 1995/2045](#), [art. 3](#)

Marginal Citations

- M1** 1961 c. 33.
M2 1845 c. 18.

81 Abolition of new street byelaws.

- (1) Part X of the ^{M3}Highways Act 1980 (new street byelaws) is repealed.
- (2) Nothing in this section affects—
- any order made before the day on which this section comes into force under section 188 of that Act (new street orders) or under any enactment from which that section is derived; or
 - any powers of a local authority exercisable under Part X of that Act in respect of such an order.
- (3) The Secretary of State may by order made by statutory instrument repeal any local enactment so far as it makes provision having similar effect to any provision of Part X of that Act.

Commencement Information

- I2** S. 81 wholly in force at 25.09.1991 see s. 84(2)(3) and [S.I. 1991/2067](#), [art. 3](#).

Marginal Citations

- M3** 1980 c. 66.

82 Home loss payments: Northern Ireland.

An order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M4}Northern Ireland Act 1974 (exercise of legislative functions for Northern Ireland) which states that it is made only for purposes corresponding to the purposes of sections 68 and 69 of this Act—

- shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution procedure and procedure in cases of urgency), but

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- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I3 S. 82 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see s. 84(2)(3) and S.I. 1992/334, arts. 4, 5.

Marginal Citations

M4 1974 c. 28.

83 Consequential amendment of section 91A of Income and Corporation Taxes Act 1988.

In section 91A of the ^{M5}Income and Corporation Taxes Act 1988 (waste disposal: restoration payments)—

- (a) in subsection (4)(b) for “any term of a relevant agreement” there is substituted “any relevant obligation”; and
(b) for subsection (7) there is substituted—

“(7) For the purposes of this section a relevant obligation is—

- (a) an obligation arising under an agreement made under—
(i) section 106 of the ^{M6}Town and Country Planning Act 1990, as originally enacted;
(ii) section 50 of the ^{M7}Town and Country Planning (Scotland) Act 1972;
(b) a planning obligation entered into under section 106 of the Act of 1990, as substituted by section 12 of the ^{M8}Planning and Compensation Act 1991, or under section 299A of the Act of 1990;
(c) an obligation arising under or under an agreement made under any provision—
(i) corresponding to section 106 of the ^{M9}Town and Country Planning Act 1990, as originally enacted or as substituted by the Act of 1991 or to section 299A of the Act of 1990; and
(ii) for the time being in force in Northern Ireland.”

Commencement Information

I4 S. 83 wholly in force on 25.10.1991 see s. 84(2)(3) and S.I. 1991/2272, art. 3(2).

Marginal Citations

M5 1988 c. 1.
M6 1990 c. 8.
M7 1972 c. 52.
M8 1991 c. 34.
M9 1990 c. 8.

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84 Short title, commencement, etc.

- (1) This Act may be cited as the Planning and Compensation Act 1991.
- (2) Subject to subsection (4) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) An order under subsection (2) above may contain such supplementary, incidental, consequential and transitional provisions as the Secretary of State thinks fit.
- (4) Sections 31(2), (3), (7) and (8) and 60(2), (3) and (5), paragraphs 1, 5 and 13 of Schedule 6 and the related repeals shall come into force on the day on which this Act is passed.
- (5) Nothing in any provision of this Act affects the punishment for an offence committed before the provision comes into force.
- (6) The enactments mentioned in Schedule 19 to this Act are repealed to the extent specified in the third column.
- (7) Parts I and III of this Act and section 81 extend to England and Wales only.
- (8) Parts II and IV of this Act extend to Scotland only.
- (9) This Act, apart from sections 82 and 83, does not extend to Northern Ireland.

Subordinate Legislation Made

- P1** S. 84(2)(3): s. 84(2) (with s. 84(3)) power exercised (9.9.1991) by [S.I. 1991/2067](#).
 S. 84(2)(3); s. 84(2) (with s. 84(3)) power exercised (18.9.1991) by [S.I. 1991/2092](#).
 S. 84(2)(3); s. 84(2) (with s. 84(3)) power exercised (9.10.1991) by [S.I. 1991/2272](#).
 S. 84(2)(3); s. 84(2) (with s. 84(3)) power exercised (21.11.1991) by [S.I. 1991/2728](#).
 S. 84(2)(3) power exercised (10.12.1991) by [S.I. 1991/2905](#); power exercised (15.2.1993) by [S.I. 1993/275](#), [arts. 2,3](#).
 S. 84(2); power exercised (7.3.1994) by [S.I.1994/398](#); s. 84(2)(3)power exercised (3.2.1995) by [S.I.1994/3292](#); (30.8.1995) by [S.I.1995/2045](#)

Modifications etc. (not altering text)

- C2** S. 84(6) restricted (9.9.1991) by [S.I. 1991/2067](#), [art. 4](#), [Sch. 2 Pt. I para. 6](#), [Pt. II para. 7](#).
 S. 84(6) restricted (18.9.1991) by [S.I. 1991/2092](#), [art. 4](#), [Sch. 2 Pt. I para. 6](#), [Pt. II para. 8](#)

Commencement Information

- I5** S. 84 partly in force; s. 84(6) in force at Royal Assent in so far as it relates to specified repeals in Sch. 19 see [s. 84\(2\)\(4\)](#); [s. 84\(6\)](#) in force in so far as it relates to further specified repeals in Sch. 19 as follows: at 25.9.1991 by [S.I. 1991/2067](#), [art. 3](#) and by [S.I. 1991/2092](#), [art. 3](#); at 2.1.1992 by [S.I. 1991/2905](#), [arts. 3, 5](#); at 26.3.1992 by [S.I. 1992/334](#), [arts. 4, 5](#); at 6.4.1992 by [S.I. 1992/665](#), [art. 2](#); at 17.7.1992 by [S.I. 1992/1491](#), [art. 2](#), [Sch. 1](#); at 27.7.1992 by [S.I. 1992/1630](#), [art. 2](#), [Sch. 2](#); at 25.9.1992 by [S.I. 1992/1937](#), [arts. 4, 5](#); at 9.11.1992 by [S.I. 1992/2831](#), [art. 2](#), at 3.2.1995 by [S.I. 1994/3292](#), [art. 3](#) and (S.) at 30.8.1995 by [S.I. 1995/2045](#), [art. 3](#)

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