



Land Compensation Act 1961

CHAPTER 33

LAND COMPENSATION ACT 1961

PART I

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

- 1 Upper Tribunal to assess compensation in respect of land compulsorily acquired.
- 2 Procedures on references under s. 1.
- 3 Consolidation of proceedings on claims in respect of several interests in the same land.
- 4 Costs.

PART II

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

- 5 Rules for assessing compensation.
- 5A Relevant valuation date
- 6 Disregard of actual or prospective development in certain cases.
- 6A No-scheme principle
- 6B Lower compensation if other land gains value
- 6C Increased compensation if other land loses value
- 6D Meaning of “scheme” etc.
- 6E Further provisions in relation to relevant transport projects
- 7 Effect of certain actual or prospective development of adjacent land in same ownership.
- 8 Subsequent acquisition of adjacent land and acquisition governed by enactment corresponding to s. 7.

Status: Point in time view as at 22/09/2017.

Changes to legislation: Land Compensation Act 1961 is up to date with all changes known to be in force on or before 29 June 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)

- 9 Disregard of depreciation due to prospect of acquisition by authority possessing compulsory purchase powers.

Special Cases

- 10 Provisions determining amount of compensation
10A Expenses of owners not in occupation.
11 Land of statutory undertakers.
12 Outstanding right to compensation for refusal etc. of planning permission.
13 Provisions determining amount of compensation

Assumptions as to planning permission

- 14 Taking account of actual or prospective planning permission.
15 Planning permission to be assumed for acquiring authority's proposals
16 Special assumptions in respect of certain land comprised in development plans.

PART III

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

- 17 Certificates of appropriate alternative development
18 Appeal to Upper Tribunal against certificate under section 17
19 Extension of ss. 17 and 18 to special cases.
20 Power to prescribe matters relevant to Part III.
21 Proceedings for challenging validity of decision on appeal under s. 18.
22 Interpretation of Part III.

PART IV

COMPENSATION WHERE PERMISSION FOR ADDITIONAL
DEVELOPMENT GRANTED AFTER ACQUISITION

- 23 Compensation where planning decision made after acquisition.
24 Provisions as to claims under section 23.
25 Extension to planning permission where no planning decision made.
26 Extension to Crown development.
27 Application of Part IV to certain cases.
28 Regulations for purposes of Part IV.
29 Interpretation of Part IV.

PART V

MISCELLANEOUS AND GENERAL

- 30
31 Withdrawal of notices to treat.
32 Rate of interest after entry on land.
33 Application of Act to Crown.
34 Special provision as to ecclesiastical property in England.
35 Certificates of value.
36 Saving for certain statutory purchases of statutory undertakings.
37 Local inquiries.
38 Services of notices.
39 Interpretation.

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- 40 †Consequential amendments, repeals, and transitional provisions.
- 41 Saving for transactions before commencement of Act.
- 42 Short title, commencement and extent.

SCHEDULES

FIRST SCHEDULE — Actual or Prospective Development relevant for purposes of Sections 6 & 7

Part I — DESCRIPTION OF DEVELOPMENT

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Part II — SPECIAL PROVISIONS AS TO NEW TOWNS

- 5 In this Part of this Schedule “the transfer date”, in...
 - 6 Land shall not be treated as forming part of such...
 - 7 In determining whether the relevant land forms part of such...
 - 8 For the purpose of determining whether any development of which...
 - 9 (1) This paragraph applies where, before the date of service...
- Part III — SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS
- 10 For the avoidance of doubt it is hereby declared—
 - 11 Paragraph 10 of this Schedule shall have effect in relation...

SECOND — . . .
SCHEDULE

THIRD SCHEDULE — Application of Part IV to Certain Cases

Disturbance, severance and injurious affection

- 1 Subject to paragraph 2 of this Schedule, any reference in...
- 2 If the person entitled to the compensation under section 23...

Increase in value of contiguous or adjacent land

- 3 In determining for the purposes of section 23 of this...

Mortgaged land

- 4 Subject to the provisions of this Schedule relating to settled...
- 5 For the purposes of the application of section 23 of...
- 6 No compensation shall be payable by virtue of section 23...

Settled land

- 7 (1) Where, in a case falling within section 23(1) of...

Interpretation

- 8 References in this Schedule to sections 23 and 24 of...

FOURTH SCHEDULE — ENACTMENTS AMENDED

The Town and Country Planning Act, 1944, and that Act as applied by the New Towns Act, 1946

- 1—5
- 6, 7

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The Lands Tribunal Act, 1949

8 In subsection (6) of section one, for the words “an...
9, 10

FIFTH SCHEDULE —

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