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SCHEDULES

FIRST SCHEDULE

Sections 6, 7

ACTUAL OR PROSPECTIVE DEVELOPMENT RELEVANT FOR PURPOSES OF SECTIONS 6 & 7

PART I

DESCRIPTION OF DEVELOPMENT

<i>Case</i>	<i>Development</i>
1. Where the acquisition is for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the current development plan as an area of comprehensive development.	Development of any land in that area, other than the relevant land, in the course of the development or redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under [^{F1} the ^{M1} New Towns Act 1965].	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
[^{F2}	Development of any land included in that area, other than the relevant land, in the course of the development of that area as part of a new town.]
3A. Where on the date of service of notice to treat any of the relevant land forms part of an area designated as an extension of the site of a new town by an order under the New Towns Act 1965 becoming operative after the date of the commencement of the ^{M2}	
New Towns Act 1966.	
4. Where any of the relevant land forms part of an area defined in the current development plan as an area of town development.	Development of any land in that area, other than the relevant land, in the course of town development within the meaning of the ^{M3}
	Town Development Act 1952.
[^{F3}	Development of any land other than the relevant land, in the course of the

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4A. Where any of the relevant land forms part of an area designated as an urban development area by an order under section 134 of the

M4

Local Government, Planning and Land Act 1980.

development or redevelopment of that area as an urban development area.]

[^{F4}4B. Where any of the relevant land forms part of a housing action trust area established under Part III of the Housing Act 1988.]

[^{F4}Development of any land other than the relevant land in the course of the development or re-development of the area as a housing action trust area.]

Textual Amendments

- F1** Words substituted by virtue of [New Towns Act 1965 \(c. 59\)](#), [Sch. 11 para. 5](#)
F2 [Para. 3A](#) inserted by [New Towns Act 1966 \(c. 44\)](#), [Sch. Pt. I para. 1](#)
F3 [Para. 4A](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [s. 145\(1\)](#)
F4 [Sch. 1 para. 4B](#) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 78\(3\)](#)

Marginal Citations

- M1** [1965 c. 59](#).
M2 [1966 c. 44](#).
M3 [1952 c. 54](#).
M4 [1980 c. 65](#).

PART II

SPECIAL PROVISIONS AS TO NEW TOWNS

Modifications etc. (not altering text)

- C1** [Sch. 1 Pt. II](#) restricted by [Development of Rural Wales Act 1976 \(c. 75\)](#), [s. 5\(1\)](#), [Sch. 3 para. 30\(3\)](#)

5 In this Part of this Schedule “the transfer date”, in relation to a new town, means the date on which, by virtue of any enactment contained in any Act relating to new towns, whether passed before or after this Act, the development corporation established for the purposes of that new town ceases to act, except for purposes of or incidental to the winding up of its affairs.

6 Land shall not be treated as forming part of such an area as is mentioned in paragraph 3 [^{F5}or 3A] of this Schedule if the notice to treat is served on or after the transfer date.

Textual Amendments

- F5** Words inserted by [New Towns Act 1966 \(c. 44\)](#), [Sch. Pt. I para. 2](#)

7 In determining whether the relevant land forms part of such an area as is mentioned in the said paragraph 3,—

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- (a) in the case of an area designated as the site of a new town by an order which became operative on or before the twenty-ninth day of October, nineteen hundred and fifty-eight, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded;
- (b) in the case of an area designated as the site of a new town by an order which became operative after the said twenty-ninth day of October, whether before or after the passing of this Act, regard shall be had to the order in its original form, and any variation of the order shall be disregarded.

8 For the purpose of determining whether any development of which there is a prospect on the date of service of the notice to treat would be such development as is described in the said paragraph 3 [^{F6}or 3A] it is immaterial whether the time when that development will or may take place is a time before, on or after the transfer date.

Textual Amendments

F6 Words inserted by [New Towns Act 1966 \(c. 44\), Sch. Pt. I para. 2](#)

[^{F7} (1) This paragraph applies where, before the date of service of the notice to treat for the purposes of a compulsory acquisition (the relevant acquisition), the land has been disposed of by an authority or body in circumstances where paragraph 3 or 3A of this Schedule would have applied if (at the time of the disposal) the authority or body had been compulsorily acquiring the land.

(2) In that case, paragraphs 3 and 3A shall not apply for the purposes of the relevant acquisition.]

Textual Amendments

F7 [Para. 9](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), Sch. 25 para. 8](#) except where a notice to treat has been served before 13.11.1980

[^{F8}PART III]

SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

Textual Amendments

F8 [Pt. III](#) added by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 145\(2\)](#)

10 For the avoidance of doubt it is hereby declared—

- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 6 of this Act, no increase or diminution in value is to be excluded from being left out of account; and
- (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 7 of this Act, no increase in value is to be excluded from being taken into account,

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merely because it is attributable—

- (i) to any development of land which was carried out before the area was designated as an urban development area;
- (ii) to any development or prospect of development of land outside the urban development area;
- (iii) to any development or prospect of development of land by an authority other than the acquiring authority, possessing compulsory purchase powers.

- 11 Paragraph 10 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 6 of this Act.

SECOND SCHEDULE

F9

Textual Amendments

F9 Sch. 2 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Pt. II**

[^{F10}THIRD SCHEDULE

APPLICATION OF PART IV TO CERTAIN CASES

Textual Amendments

F10 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, **Sch. 14 para.2** (with s. 84(5)); S.I. 1991/2067, **art. 3**

Disturbance, severance and injurious affection

- ^{F11} Subject to paragraph 2 of this Schedule, any reference in section 23 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.

Textual Amendments

F11 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, **Sch. 14 para. 2** (with s. 84(5)); S.I. 1991/2067, **art. 3**

- ^{F12} If the person entitled to the compensation under section 23 of this Act—

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- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in other land contiguous or adjacent to the land acquired or purchased; but
- (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;

any reference in section 23 of this Act to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Textual Amendments

F12 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, [Sch. 14 para.2](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#)

Increase in value of contiguous or adjacent land

F13 In determining for the purposes of section 23 of this Act the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 7 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land; but
- (b) at the time of the planning decision the person entitled to the compensation under section 23 of this Act is not entitled to the interest or is entitled to it only as respects part of the contiguous or adjacent land,

the amount specified in section 23(2) and the principal amount or purchase price mentioned in section 23(1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part of the land.

Textual Amendments

F13 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, [Sch. 14 para. 2](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#)

Mortgaged land

F14 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 23(1) of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference (however expressed) in section 23 or section 24 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the mortgage, was entitled to that interest, and not as a reference to the mortgagee.

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Textual Amendments

F14 Sch. 3 paras. (1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, [Sch. 14 para. 2](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#)

F15 For the purposes of the application of section 23 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a mortgage.

Textual Amendments

F15 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, [Sch. 14 para. 2](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#)

F16 No compensation shall be payable by virtue of section 23 of this Act in respect of a compulsory acquisition or sale by agreement where the interest acquired or sold was the interest of a mortgagee (as distinct from an interest subject to a mortgage).

Textual Amendments

F16 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, [Sch. 14 para. 2](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#)

Settled land

F17 (1) Where, in a case falling within section 23(1) of this Act, the interest in land which was acquired or sold was subject to a settlement, and accordingly the compensation or purchase price was payable to the trustees of that settlement, any reference (however expressed) in section 23 or section 24 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the settlement.

(2) Where sub-paragraph (1) of this paragraph applies, section 23(4) of this Act shall not apply.

(3) Any compensation paid to the trustees of the settlement by virtue of section 23 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.

(4) In this paragraph “settlement” means a settlement within the meaning of the ^{M5}Settled Land Act 1925, or a trust for sale within the meaning of the ^{M6}Law of Property Act 1925.

Textual Amendments

F17 Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, [Sch. 14 para.2](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#)

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Marginal Citations

- M5 1925 c. 18
- M6 1925 c. 20

Interpretation

- ^{F18}g References in this Schedule to sections 23 and 24 of this Act include references to those sections as applied by section 25 or 26 of this Act, and references to the time of any planning decision shall be construed accordingly.]

Textual Amendments

- F18** Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66(1), [Sch. 14 para. 2](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#)

FOURTH SCHEDULE

Section 40.

ENACTMENTS AMENDED

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

- 1—5 ^{F19}

Textual Amendments

- F19** Sch. 4 paras. 1–5 repealed by [New Towns Act 1965 \(c. 59\)](#), [Sch. 12](#)

- 6, 7. ^{F20}

Textual Amendments

- F20** Sch. 4 paras. 6, 7 repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 6 Pt. I](#)

The Lands Tribunal Act, 1949

- 8 In subsection (6) of section one, for the words “an authority to whom the Acquisition of Land Act applies” there shall be substituted the words “any person”.

Modifications etc. (not altering text)

- C2** The text of Sch. 4 para. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 9, 10. ^{F21}

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Textual Amendments

F21 Sch. 4 paras. 9, 10 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

FIFTH SCHEDULE ^{F22}

Textual Amendments

F22 Sch. 5 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

Status:

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