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## SCHEDULES

### <sup>F1</sup>FIRST SCHEDULE

Sections 6, 7

#### Textual Amendments

- F1** Sch. 1 omitted (22.9.2017) by virtue of Neighbourhood Planning Act 2017 (c. 20), ss. 32(4)(b), 46(1); S.I. 2017/936, reg. 3(b) (with reg. 4)

### SECOND SCHEDULE

<sup>F2</sup>

#### Textual Amendments

- F2** Sch. 2 repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), Sch. 12 Pt. II

### <sup>F3</sup>SCHEDULE 2A

Section 14A(6)

#### ADDITIONAL COMPENSATION WHERE SECTION 14A APPLIED

#### Textual Amendments

- F3** Sch. 2A inserted (31.3.2024 for W. for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 190(2)(c), 255(7) (with s. 247); S.I. 2024/389, reg. 2(1)

#### *Directions for additional compensation*

- 1 (1) This paragraph applies if—
- (a) an interest in land has been acquired further to a compulsory purchase order, and
  - (b) the order directed that compensation was to be assessed in accordance with section 14A.
- (2) The confirming authority must, on an application by an eligible person, make a direction for additional compensation if it appears to the confirming authority that the following conditions are met.

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- (3) Those conditions are—
- (a) that the statement of commitments has not been fulfilled,
  - (b) either—
    - (i) that the period of 10 years beginning with the date on which the compulsory purchase order became operative has expired, or
    - (ii) that there is no longer any realistic prospect of the statement of commitments being fulfilled within that period, and
  - (c) that the initial direction would not have been confirmed on the basis of a statement of commitments reflecting what has in fact been done with the project land since its acquisition.
- (4) In sub-paragraph (3)—
- “the statement of commitments” means the statement of commitments submitted in connection with the compulsory purchase order under section 15A(3) of the Acquisition of Land Act 1981 (and if the statement was amended after its submission, means the statement as amended);
- “the initial direction” means the direction referred to in sub-paragraph (1)(b) (and that direction was “confirmed” when the compulsory purchase order was confirmed with the inclusion of the direction);
- “the project land” means the land treated as the project land for the purposes of the statement of commitments;
- and that statement is “fulfilled” if what is done with that land after its acquisition is materially in accordance with the statement.
- (5) The effect of a direction for additional compensation is that each eligible person may make a claim to the acquiring authority for any additional compensation in respect of the acquisition payable to the person under this Schedule.
- (6) A person is an “eligible person” for the purposes of this Schedule if the person was entitled to compensation in respect of the acquisition (and see also paragraph 4(1)).

*Amount of additional compensation*

- 2 (1) Additional compensation in respect of an acquisition is payable to an eligible person only if, in relation to that person, the alternative amount is greater than the original amount.
- (2) The amount payable is the difference between the two amounts.
- (3) The “original amount” is the amount of compensation awarded or agreed to be paid to the person in respect of the acquisition.
- (4) The “alternative amount” is the amount of compensation that would have been assessed as due to the person in respect of the acquisition had compensation been assessed without the application of section 14A.
- (5) If the original amount was agreed, the relevant valuation date for the purposes of the assessment imagined under sub-paragraph (4) is the date on which the agreement was concluded.
- (6) In relation to the determination of an amount of additional compensation under this Schedule, section 17(2)(b) applies as if its reference to the amount of compensation were to the amount of additional compensation.

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- (7) A certificate issued under section 17 (or 18) after the award or agreement referred to in sub-paragraph (3) is to have effect for the purposes of the assessment imagined under sub-paragraph (4) as if it had been issued before that assessment.
- (8) Any amount of compensation that is or would be attributable to disturbance, severance or injurious affection is to be ignored for the purposes of sub-paragraphs (3) and (4).

#### *Time limit for application for direction*

- 3 An application under paragraph 1(2) may not be made after the expiry of the period of 13 years beginning with the date on which the compulsory purchase order became operative.

#### *Mortgages*

- 4 (1) For the purposes of this Schedule an “eligible person” includes a person who would have been entitled to compensation in respect of the acquisition but for the existence of a mortgage (but the mortgage is in that case still to be taken into account in determining the original and alternative amounts under paragraph 2).
- (2) An amount agreed or awarded to be paid to a mortgagee under section 15 or 16 of the Compulsory Purchase Act 1965 in respect of the acquisition is to be treated for the purposes of this Schedule as compensation in respect of the acquisition.
- (3) The reference in sub-paragraph (2) to an amount paid under section 15 or 16 of the Compulsory Purchase Act 1965 (“the applicable section”) includes an amount paid under section 52ZA or 52ZB of the Land Compensation Act 1973 and taken into account by virtue of section 52ZC(7)(d) of that Act for the purposes of the applicable section.
- (4) Additional compensation payable under this Schedule to a person in the person’s capacity as a mortgagee (or to a person exercising rights of a mortgagee) is to be applied towards the discharge of the sums secured by the mortgage.
- (5) If there is no remaining sum secured by the mortgage, the additional compensation that would be payable as described in sub-paragraph (4) is instead payable to the person who is an eligible person by virtue of the interest that was subject to the mortgage.
- (6) If the additional compensation that would be payable as described in sub-paragraph (4) exceeds the total of the remaining sums secured by the mortgage, the amount of the excess is instead payable to the person who is an eligible person by virtue of the interest that was subject to the mortgage.

#### *Successors-in-title*

- 5 (1) This paragraph applies if, had the compensation to which an eligible person was entitled in respect of the acquisition remained unpaid, the right to be paid it would now vest in some other person (assuming that it remained enforceable and any obligations in respect of the right had been complied with).

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- (2) If the eligible person is still alive or in existence, the rights that the eligible person would have under this Schedule are exercisable by the other person and not by the eligible person.
- (3) If the eligible person is no longer alive or in existence, the rights that the eligible person would have under this Schedule if that person were still alive or in existence are exercisable by the other person.
- (4) The right exercisable by the other person under sub-paragraph (2) or (3) is subject to any restriction, condition or other incident to which the right vested in that person as imagined under sub-paragraph (1) would be subject.
- (5) Additional compensation paid to the other person by virtue of sub-paragraph (2) or (3) must be dealt with by the person in any way in which the person would have to deal with compensation paid to that person further to the right vested in that person as imagined under sub-paragraph (1).
- (6) If a person is an eligible person by virtue of paragraph 4(1), the reference in sub-paragraph (1) to compensation to which the person was entitled is to be read as a reference to the compensation to which the person would have been entitled but for the mortgage.

#### *Consequential losses*

- 6 (1) The relevant authority may by regulations provide for additional compensation payable on a claim under paragraph 1(5) to include (in addition to any amount payable under paragraph 2) an amount to make good qualifying losses.
- (2) “Qualifying losses” are financial losses shown to have been suffered by an eligible person, or a person entitled to exercise the rights of the eligible person under paragraph 5, as a result of the compensation initially payable to the eligible person in respect of the acquisition being of the original amount rather than the alternative amount.
- (3) In the case of an eligible person who is so by virtue of an interest that was subject to a mortgage, the reference in sub-paragraph (2) to compensation payable to the eligible person is to be taken to include compensation payable to the mortgagee of that interest.
- (4) Regulations under this paragraph may limit the qualifying losses in respect of which additional compensation is payable under the regulations by reference to—
  - (a) a description of loss,
  - (b) an amount, or
  - (c) any other circumstance.

#### *Procedure etc*

- 7 (1) The relevant authority may by regulations make provision—
  - (a) about the procedure for applications under paragraph 1(2) or claims under paragraph 1(5) (including provision about the costs of such applications or claims);
  - (b) about steps that must be taken by the acquiring authority or the confirming authority for the purposes of publicising or giving notice of a direction for additional compensation;

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- (c) for interest to be applied to amounts of additional compensation that are payable;
  - (d) about how or when additional compensation (and any interest) is to be paid.
- (2) Regulations under this paragraph about costs of claims under paragraph 1(5)—
- (a) may modify or disapply section 29 of the Tribunals, Courts and Enforcement Act 2007 (costs or expenses) or provisions in Tribunal Procedure Rules relating to costs;
  - (b) may apply (with or without modifications) section 4 of this Act;
- and section 4 of this Act does not apply in relation to such a claim unless so applied.

### *Regulations*

- 8 (1) For the purposes of this Schedule “the relevant authority” is—
- (a) the Secretary of State, in relation to England;
  - (b) the Welsh Ministers, in relation to Wales.
- (2) Regulations under this Schedule may make—
- (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (3) Regulations under this Schedule are to be made by statutory instrument.
- (4) A statutory instrument containing such regulations is subject to annulment in pursuance of—
- (a) a resolution of either House of Parliament, in the case of regulations made by the Secretary of State, or
  - (b) a resolution of Senedd Cymru, in the case of regulations made by the Welsh Ministers.

### *Interpretation*

- 9 (1) In this Schedule—
- (a) “the confirming authority” means—
    - (i) the person who confirmed the compulsory purchase order, or
    - (ii) any successor to that person’s function of confirming compulsory purchase orders of the type in question;
  - (b) references to “the acquisition” or “the compulsory purchase order” are to the acquisition or order by virtue of which paragraph 1 applies;
  - (c) references to the acquisition of an interest in land include—
    - (i) the creation of such an interest, and
    - (ii) the acquisition or creation of a right in or over land;and references to interests in land are to be read accordingly.
- (2) In the case of a compulsory purchase order made under section 10(1) of, and Part 1 of Schedule 4 to, the New Towns Act 1981 (compulsory acquisition by new town development corporation in usual cases), the reference in paragraph 1(4) to section 15A(3) of the Acquisition of Land Act 1981 is to be read as a reference to paragraph 5A(2) of Schedule 4 to the New Towns Act 1981.

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- (3) In the case of a compulsory purchase order made under section 13(1)(a) of, and Part 1 of Schedule 5 to, the New Towns Act 1981 (compulsory acquisition by new town development corporation of statutory undertakers’ operational land)—
  - (a) the reference in paragraph 1(4) to section 15A(3) of the Acquisition of Land Act 1981 is to be read as a reference to paragraph 5A(2) of Schedule 5 to the New Towns Act 1981, and
  - (b) the references in paragraph 1(4) and sub-paragraph (1)(a) to the confirmation of the order are to be read as references to the making of the order.
  
- (4) In the case of a compulsory purchase order made under section 21A(1)(b) or (2) (b) of the Welsh Development Agency Act 1975 (compulsory acquisition by Welsh Ministers of land in Wales for Welsh development purposes)—
  - (a) the reference in paragraph 1(4) to submission under section 15A(3) of the Acquisition of Land Act 1981 is to be read as a reference to preparation under paragraph 3B(2) of Schedule 4 to the Welsh Development Agency Act 1975, and
  - (b) the references in paragraph 1(4) and sub-paragraph (1)(a) to the confirmation of the order are to be read as references to the making of the order.
  
- (5) If—
  - (a) an interest in land is acquired further to section 154(2) of the Town and Country Planning Act 1990 (deemed compulsory acquisition further to blight notice), and
  - (b) the land falls within paragraph 22 of Schedule 13 to that Act (land blighted by compulsory purchase order),
 the interest is to be treated for the purposes of this Schedule as having been acquired further to the compulsory purchase order by virtue of which the land falls within that paragraph.]

F4 THIRD SCHEDULE

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**Textual Amendments**

**F4** Sch. 3 omitted (22.9.2017) by virtue of [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 33(1)(b), 46(1)**; [S.I. 2017/936](#), reg. 3(c)

FOURTH SCHEDULE

Section 40.

ENACTMENTS AMENDED

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

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**Textual Amendments**

**F5** Sch. 4 paras. 1–5 repealed by [New Towns Act 1965 \(c. 59\)](#), [Sch. 12](#)

6, 7. . . . . **F6**

**Textual Amendments**

**F6** 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)**

**C1** 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. . . . . **F7**

**Textual Amendments**

**F7** Sch. 4 paras. 9, 10 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

FIFTH SCHEDULE **F8**

**Textual Amendments**

**F8** Sch. 5 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

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