

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 the New Towns Act, 1946.	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.
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 Town Development Act, 1952.

PART II

SPECIAL PROVISIONS AS TO NEW TOWNS

- 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 of this Schedule if the notice to treat is served on or after the transfer date.

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- 7 In determining whether the relevant land forms part of such an area as is mentioned in the said paragraph 3,—
- (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day of October, nineteen hundred and fifty-eight, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded ;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, it is immaterial whether the time when that development will or may take place is a time before, on or after the transfer date.

SECOND SCHEDULE

Section 10.

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

- 1 (1) Nothing in this Act shall be construed as excluding the provisions of the Act of 1957 as to site value, but those provisions shall have effect in addition to the provisions of this Act.
- (2) Subject to paragraph 3 of this Schedule, the compensation payable in respect of a compulsory acquisition in relation to which any of the said provisions as to site value apply (whether by virtue of the Act of 1957 or of an order under paragraph 2 of this Schedule) shall not in any event exceed the amount of the compensation which would have been payable in respect thereof if—
- (a) none of those provisions had applied to the acquisition, and
 - (b) in a case where any of the relevant land is in an area which has been declared under Part III of the Act of 1957 to be a clearance area, or which constitutes a re-development area within the meaning of that Part of that Act, that area had not been declared to be a clearance area or did not constitute such a re-development area, as the case may be,
- but in all other respects the acquisition had been effected in the circumstances in which it actually is effected.
- 2 (1) Where a compulsory acquisition is—
- (a) an acquisition under Part IV of the Town and Country Planning Act, 1947. or
 - (b) an acquisition under section six of the Town Development Act. 1952, or
 - (c) an acquisition in pursuance of Part IV of the Town and Country Planning Act, 1959, or
 - (d) an acquisition of land within the area designated by an order under section one of the New Towns Act, 1946. as the site of a new town, or
 - (e) an acquisition by a development corporation or local highway authority or the Minister of Transport under the New Towns Act, 1946, or under any enactment as applied by any provision of that Act,

and the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation, the following provisions of this paragraph shall apply in relation to the acquisition.

- (2) The local authority may make and submit to the Minister an order in such form as may be prescribed, declaring the house to be in the state referred to in sub-paragraph (1) of this paragraph ; and if—
- (a) that order is confirmed by the Minister, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
 - (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section nineteen of the Town and Country Planning Act, 1947, or the provisions of that section as applied by or under any other enactment, or in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946, or under Part IV of the Town and Country Planning Act, 1959, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Minister,
- the provisions of subsections (2) and (3) of section fifty-nine of the Act of 1957, and the provisions of sections sixty and sixty-one of that Act, and the Second Schedule thereto (which relate to certain payments in respect of houses purchased or demolished under that Act) shall apply as if the house had been purchased under section fifty-seven of that Act as being in the state referred to in sub-paragraph (1) of this paragraph, and as if any reference in those sections or in that Schedule to the local authority were a reference to the acquiring authority.
- (3) Before submitting to the Minister an order under this paragraph 'the local authority by whom it was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on every mortgagee, of the land or any part thereof, a notice in such form as may be prescribed, stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.
- (4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all the objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order ; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.
- (5) Section four of the Act of 1957 (which specifies matters to be taken into account in determining whether a house is unfit) and sections one hundred and fifty-nine and one hundred and sixty of that Act (which relate to entry on land for the purposes of that Act) shall apply for the purposes of this paragraph as they apply for the purposes of that Act.
- (6) In this paragraph—
- " appropriate local authority " means a local authority who, in relation to the area in which the land in question is situate, are a local authority for the purposes of the provisions of Part III of the Act of 1957 relating to clearance areas ;

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" owner ", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the (fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term Whereof exceeds three years ; and

" prescribed " means prescribed by regulations made under section one hundred and seventy-eight of the Act of 1957.

- 3 (1) Where in relation to a compulsory acquisition any of the provisions of the Act of 1957 as to site value apply (whether by virtue of that Act or of an order under paragraph 2 of this Schedule) and—
- (a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as " the relevant house ") and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and
 - (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death,
- the following provisions of this paragraph shall apply in relation to the acquisition; and in those provisions " the dwelling " means so much of the relevant house as the said person occupied as aforesaid.
- (2) The amount of the compensation payable in respect of the acquisition of the relevant interest shall not in any event be less than the gross value of the dwelling ; but for the purposes of this sub-paragraph the amount of the compensation so payable shall be deemed to include—
- (a) the amount (if any) of any payment under section thirty or section sixty of the Act of 1957, in so far as it falls to be made to the person entitled to the relevant interest and is attributable to the relevant house ; and
 - (b) the amount (if any) of any payment which falls to be made in respect of the relevant interest under Part II of the Second Schedule to the Act of 1957.
- (3) For the purposes of this paragraph the gross value of the dwelling shall be determined as follows:—
- (a) if the dwelling constitutes the whole of the relevant house, the gross value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation list then in force as the gross value of that house for rating purposes ;
 - (b) if the dwelling is only part of the relevant house, an apportionment shall be made by the valuation officer of the gross value of the relevant house as determined under paragraph (a) of this sub-paragraph, and the gross value of the dwelling shall be taken to be the amount certified by him as being the amount which, on such an apportionment, is properly attributable to the dwelling.
- (4) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

- (5) In this paragraph " the valuation officer " has the same meaning as in Part III of the Local Government Act, 1948.
- 4 (1) Where, in the case of any compulsory acquisition,—
- (a) any of the provisions of the Act of 1957 as to site value apply (whether by virtue of that Act or of an order under paragraph 2 of this Schedule); and
 - (b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,
- there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with sub-paragraph (2) of this paragraph.
- (2) The said amount shall be an amount equal to the value, as at the date of service of the notice to treat, of the prospective right to receive such payment (if any) under the War Damage Act, 1943, in respect of that hereditament, or part of a hereditament, as might reasonably have been expected to become payable if the relevant land had not been compulsorily acquired.
- 5 (1) Where a local authority have before the commencement of this Act made and submitted to the Minister an order under paragraph 2 of the Second Schedule to the Town and Country Planning Act, 1959 (which contains provisions similar to those of paragraph 2 of this Schedule), but the Minister 'has not confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 2 of this Schedule shall apply in relation to that order as if—
- (a) the order had been made under paragraph 2 of this Schedule, and
 - (b) the reference in sub-paragraph (4) of paragraph 2 of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (3) of paragraph 2 of the Second Schedule to the said Act of 1959.
- (2) Any reference in paragraph 1, 3 or 4 of this Schedule to an order under paragraph 2 thereof shall be construed as including a reference to an order—
- (a) made and confirmed under paragraph 2 of the Second Schedule to the said Act of 1959, or
 - (b) made under the said paragraph 2 and confirmed under the provisions of paragraph 2 of this Schedule applied by sub-paragraph (1) of this paragraph.
- 6 (1) In this Schedule—
- " house " has the meaning assigned to it by section one hundred and eighty-nine of the Act of 1957; and
 - " the Act of 1957 " means the Housing Act, 1957.
- (2) Any reference in this Schedule to the provisions of the Act of 1957 as to site value is a reference to the following provisions of that Act, that is to say.—
- (a) subsection (4) of section twelve (which relates to the purchase of houses found on appeal not to be capable of repair at a reasonable expense);
 - (b) subsection (2) of section twenty-nine (which relates to the purchase of condemned houses); and
 - (c) subsections (2) and (3) of section fifty-nine (which relate respectively to the purchase of land comprised in a clearance area and to the purchase, in connection with re-development plans, of houses as being unfit for human habitation).

Status: This is the original version (as it was originally enacted).

THIRD SCHEDULE

Section 27.

APPLICATION OF PART IV TO CERTAIN CASES

Disturbance, severance and injurious affection

- 1 Subject to paragraph 2 of this Schedule, any reference in section twenty-three of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.
- 2 If the person entitled to the compensation under the said section twenty-three—
- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in land held with 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 the said section twenty-three 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.

Increase in value of contiguous or adjacent land

- 3 In determining for the purposes of the said section twenty-three 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 seven 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 the said section twenty-three is not entitled to the said interest or is entitled thereto only as respects part of the contiguous or adjacent land,
- the amount specified in the said subsection (2) and the principal amount or purchase price mentioned in the said subsection (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 thereof.

Mortgaged land

- 4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within subsection (1) of section twenty-three of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference (however expressed) in section twenty-three or section twenty-four 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.
- 5 For the purposes of the application of section twenty-three 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

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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.

- 6 No compensation shall be payable by virtue of section twenty-three 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).

Settled land

- 7 (1) Where, in a case falling within subsection (1) of section twenty-three 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 twenty-three or section twenty-four 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, subsection (4) of section twenty-three of this Act shall not apply.
- (3) Any compensation paid to the trustees of the settlement by virtue of section twenty-three 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 Settled Land Act, 1925, or a trust for sale within the meaning of the Law of Property Act, 1925.

Interpretation

- 8 References in this Schedule to sections twenty-three and twenty-four of this Act include references to those sections as applied by section twenty-five or twenty-six of this Act, and references to the time of any planning decision shall be construed accordingly. Section 40.

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 In subsection (2) of section eighteen, and subsection (2) of section twenty-four, for the words " The Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " The Land Compensation Act, 1961 ".
- 2 In the Fourth Schedule, in the proviso to paragraph 1, for the words " section two of the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " section five of the Land Compensation Act, 1961 ".

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- 3 In the Fifth Schedule, in the heading, for the words " Acquisition of Land (Assessment of Compensation) Act, 1919 " there shall be substituted the words " Land Compensation Act, 1961 ".
- 4 In the Fifth Schedule, for the heading of Part II there shall be substituted the heading " The Land Compensation Act, 1961 " and for the word " arbitrator ", in both places where it occurs in paragraph 8, there shall be substituted the words " Lands Tribunal ".
- 5 In the Fifth Schedule, in paragraph 10, for the words " subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919", there shall be substituted the words " section thirty-one of the Land Compensation Act, 1961 ".

*The Acquisition of Land (Authorisation Procedure) Act,
 1946 and that Act as applied by any other enactment*

- 6 In subsection (3) of section one, for the words " the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " the Land Compensation Act, 1961 ".
- 7 In the Second Schedule, for the heading of Part III there shall be substituted the heading " Land Compensation Act, 1961 " and for the word " arbitrator", in both places where it occurs in paragraph 8, there shall be substituted the words " Lands Tribunal ".

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 ".

The Housing Act, 1957

- 9 In subsection (1) of section fifty-nine, and subsection (3) of section sixty-four, for the words " the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words " the Land Compensation Act, 1961 ".
- 10 In subsection (4) of section seventy-four, for the words from " the Acquisition of Land (Assessment of Compensation) Act, 1919 " to "the said section two" there shall be substituted the words " Part I of the Land Compensation Act, 1961, and rule (1) of the rules set out in section five of that Act; and that rule ".

FIFTH SCHEDULE

Section 40.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act. 1919.	The whole Act.
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	Subsection (5) of section forty-five.

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Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 22.	The Camps Act, 1939.	Subsection (5) of section two.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	In the Fifth Schedule as applied by the New Towns Act, 1946, paragraph 9.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Subsection (7) of section four. In the Fourth Schedule, the entry relating to paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	Sections fifty, fifty-four, fifty-six, and fifty-seven. Subsection (2) of section one hundred and eighteen. The Seventh Schedule.
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act, 1949.	In section one, in paragraph (b) of subsection (3), the words from " and is " to the end of the paragraph; in subsection (4), the words from " including the power " to the end of the subsection; and subsection (7). Subsection (7) of section three. Section five. In section seven, in subsection (1), the words "and is not contained in the Acquisition of Land Act" The First Schedule.
12, 13 and 14 Geo. 6. c. 84.	The War Damaged Sites Act, 1949.	In subsection (1) of section eight, the words "in a case to which the Acquisition of Land (Assessment of Compensation) Act, 1919, applies," paragraph (b), and the word " and " preceding that paragraph.
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act. 1949.	Subsection (3) of section one hundred and three.

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Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. c. 16.	The Town and Country Planning Act, 1953.	Subsection (1) of section three.
2 & 3 Eliz. 2. c. 72.	The Town and Country Planning Act, 1954.	Subsection (7) of section seventy-one.
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957.	In the Third Schedule, in paragraph 7, paragraph (b) of sub-paragraph (1); and in paragraph 8, the words in sub-paragraph (1) "and the Acquisition of Land (Assessment of Compensation) Act, 1919 " and sub-paragraph (2). In the Tenth Schedule, paragraph 2 of the entry relating to the Town and Country Planning Act, 1944.
7 & 8 Eliz. 2. c. 25.	The Highways Act, 1959	Subsection (8) of section two hundred and twenty-two.
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act, 1959.	Part I except sections fourteen to sixteen. In section thirty-one, in subsection (4), paragraph (f). The First, Second and Third Schedules. In the Seventh Schedule, the entry relating to section fifty-four of the Town and Country Planning Act, 1947.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Development and Road Improvement Funds Act, 1909	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.

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Short Title	Session and Chapter
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Town Development Act, 1952	15 & 16 Geo. 6. & 1 Eliz.2. c. 54.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Town and Country Planning Act, 1954	2 & 3 Eliz. 2. c. 72.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.