



# Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

## [<sup>F1</sup>PART IV

### COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

#### <sup>F1</sup>[ 23 Compensation where planning decision made after acquisition.

(1) Where—

- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of ten years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and
- (b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

- (2) The amount referred to in subsection (1)(b) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date if—
  - (a) the planning decision mentioned in subsection (1)(a) of this section had been made before that date; and
  - (b) the permission granted by it had been in force on that date.
- (3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates to land acquired by the acquiring authority, whether compulsorily or by agreement—

*Status: Point in time view as at 01/12/2008. This version of this provision has been superseded.*

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- [ under section 21A of the [<sup>F3</sup>Welsh Development Agency Act 1975 (Powers of land acquisition)];]
- <sup>F2</sup>(za)
- (a) under section 142 or 143 of the Local Government, Planning and Land Act 1980 (acquisitions by urban development corporations and by highway authorities in connection with urban development areas);
  - (b) under the New Towns Act 1981 (acquisitions by development corporations and by highway authorities in connection with new town areas); <sup>F4</sup> . . .
  - (c) where the compulsory purchase order included a direction under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (minimum compensation where building deliberately allowed to fall into disrepair) [<sup>F5</sup>or
  - (d) under Part 1 of the Housing and Regeneration Act 2008 (acquisition by the Homes and Communities Agency).]

(4) If—

- (a) in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section; but
- (b) before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person,

the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

- (5) Compensation under this section shall carry interest at the rate prescribed under section 32 of this Act from the date of the planning decision in question until payment.
- (6) The provisions of Part I of this Act (so far as applicable) shall apply (subject to the following provisions) in relation to the assessment of compensation under this section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.]

**Textual Amendments**

- F1** Part IV (ss. 23-29) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 66, **Sch. 14 para. 1** (with s. 84(5)); S.I. 1991/2067, **art. 3**
- F2** S. 23(3)(za) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II**, para. 14 (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F3** Words in s. 23(3)(za) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **Sch. 2 para. 3** (with art. 3(1))
- F4** Words in s. 23(3)(b) repealed (10.11.1993) by 1993 c. 28, s. 187(2), **Sch. 22**; S.I. 1993/2762, **art. 3**
- F5** S. 23(3)(d) and word preceding it substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 2**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13, Sch.)

**Status:**

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