



Land Compensation Act 1961

1961 CHAPTER 33

PART V

MISCELLANEOUS AND GENERAL

39 Interpretation

(1) In this Act, except where the context otherwise requires,—

" acquiring authority ", in relation to an interest in land, means the person or body of persons by whom the interest is, or is proposed to be, acquired ;

" authority possessing compulsory purchase powers ", where it occurs otherwise than in relation to a transaction, means any person or body of persons who could be or have been authorised to acquire an interest in land compulsorily, and, in relation to any transaction, means any person or body of persons who could be or have been so authorised for the purposes for which the transaction is or was effected or a parish council or parish meeting on whose behalf a county council could be or have been so authorised;

" building " includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

" the current development plan ", in relation to any land, means a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan is in force on the date of service of the notice to treat;

" development " has the meaning assigned to it by section twelve of the Town and Country Planning Act, 1947, and " develop " shall be construed accordingly;

" development order " means an order under subsection (1) of section thirteen of the Town and Country Planning Act, 1947;

" development plan " has the meaning assigned to it by section five of the Town and Country Planning Act, 1947, and includes a plan made under subsection (5) of that section;

Status: This is the original version (as it was originally enacted).

" enactment " includes an enactment in any local or private Act of Parliament and an order, rule, regulation, bye-law or scheme made under an Act of Parliament.

" land " means any corporeal hereditament, including a building as defined by this section, and includes any interest or right in or over land and any right to water;

" local enactment " means any local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

" local planning authority " has the meaning assigned to it by section four of the Town and Country Planning Act, 1947;

" the Minister " means the Minister of Housing and Local Government;

" outline application " means an application for planning permission subject to subsequent approval on any matters;

" planning decision " means a decision made on an application under Part III of the Town and Country Planning Act, 1947;

" planning permission " means permission under Part III of the Town and Country Planning Act, 1947;

" special enactment " means a local enactment, or a provision contained in an Act other than a local or private Act, being a local enactment or provision authorising the compulsory acquisition of land specifically identified therein;

" tenancy " has the same meaning as in the Landlord and Tenant Act, 1954.

- (2) In this Act, in relation to a compulsory acquisition in pursuance of a notice to treat, " the relevant interest " means the interest acquired in pursuance of that notice, " the relevant land " means the land in which the relevant interest subsists, and " the notice to treat " means the notice to treat in pursuance of which the relevant interest is acquired.
- (3) As respects references in this Act to planning decisions—
- (a) in relation to a decision altered on appeal by the reversal or variation of the whole or any part thereof, such references shall be construed as references to the decision as so altered;
 - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal;
 - (c) in relation to a decision given on an appeal made by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947, in default of a decision by the local planning authority, such references shall be construed as references to the decision so given ;
 - (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority, whether or not that decision is or was altered as aforesaid on that appeal, or, in the case of such a decision as is mentioned in paragraph (c) of this subsection, the time when by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947, the notification of a decision by the local planning authority is deemed to have been given.
- (4) References in this Act to a contract are references to a contract in writing or a contract attested by a memorandum or note thereof in writing, signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references

to the conveyance or assignment; and references to the making of a contract are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.

- (5) References in this Act—
- (a) to a person from whom title is derived by another person include references to any predecessor in title of that other person;
 - (b) to a person deriving title from another person include references to any successor in title of that other person;
 - (c) to deriving title are references to deriving title either directly or indirectly.
- (6) For the purposes of this Act, a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—
- (a) to both of them beneficially, or
 - (b) to both of them as trustee of one particular trust, or
 - (c) to both of them as personal representative of one particular person.
- (7) For the purposes of this Act development of land shall be taken to be initiated—
- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
 - (b) if the development consists of a change in use, at the time when the new use is instituted ;
 - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.
- (8) References in this Act to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.
- (9) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.