



# Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

## PART II

### PROVISIONS DETERMINING AMOUNT OF COMPENSATION

#### *General provisions*

#### **[<sup>F1</sup>5A Relevant valuation date**

- (1) If the value of land is to be assessed in accordance with rule (2) in section 5, the valuation must be made as at the relevant valuation date.
- (2) No adjustment is to be made to the valuation in respect of anything which happens after the relevant valuation date.
- (3) If the land is the subject of a notice to treat, the relevant valuation date is the earlier of—
  - (a) the date when the acquiring authority enters on and takes possession of the land, and
  - (b) the date when the assessment is made.
- (4) If the land is the subject of a general vesting declaration, the relevant valuation date is the earlier of—
  - (a) the vesting date, and
  - (b) the date when the assessment is made,and “ general vesting declaration ” and “ vesting date ” have the meanings given in section 2 of the Compulsory Purchase (Vesting Declarations) Act 1981.
- (5) If the acquiring authority enters on and takes possession of part of the land—
  - (a) specified in a notice of entry, or
  - (b) in respect of which a payment into court has been made,the authority is deemed, for the purposes of subsection (3)(a), to have entered on and taken possession of the whole of that land on that date.

*Status: Point in time view as at 23/09/2020. This version of this provision has been superseded.*

*Changes to legislation: Land Compensation Act 1961, Section 5A is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [ If—
- <sup>F2</sup>(5A) (a) the acquiring authority enters on and takes possession of land in pursuance of a notice of entry given as mentioned in paragraph 12 of Schedule 2A to the Compulsory Purchase Act 1965 (“the original land”),
- (b) the acquiring authority are subsequently required by a determination under paragraph 27 of Schedule 2A to the Compulsory Purchase Act 1965 to take additional land, and
- (c) the acquiring authority enters on and takes possession of that additional land, the authority is deemed for the purposes of subsection (3)(a) to have entered on and taken possession of the additional land when it entered on and took possession of the original land.]
- [ If—
- <sup>F3</sup>(5B) (a) the land is the subject of a general vesting declaration, and
- (b) the vesting date is different for different parts of the land, the first of the vesting dates is deemed for the purposes of subsection (4)(a) to be the vesting date for the whole of the land.]
- (6) [<sup>F4</sup>Subsections (5), (5A) and (5B) also apply] for the purposes of calculating interest under the following enactments—
- (a) section 11(1) of the Compulsory Purchase Act 1965;
- <sup>F5</sup>(b) . . . . .
- (c) section 85 of the Lands Clauses Consolidation Act 1845;
- (d) section 52A of the Land Compensation Act 1973,
- and references there to the date or time of entry are to be construed accordingly.
- (7) An assessment by the [<sup>F6</sup>Upper Tribunal] is treated as being made on the date certified by the Tribunal as—
- (a) the last hearing date before it makes its determination, or
- (b) in a case to be determined without an oral hearing, the last date for making written submissions before it makes its determination.
- (8) Nothing in this section affects—
- (a) any express provision in any other enactment which requires the valuation of land subject to compulsory acquisition to be made at a particular date;
- (b) the valuation of land for purposes other than the compulsory acquisition of that land (even if the valuation is to be made in accordance with the rules in section 5).
- (9) In this section—
- (a) a notice of entry is a notice under section 11(1) of the Compulsory Purchase Act 1965;
- (b) a payment into court is a payment into court <sup>F7</sup>... under section 85 of the Lands Clauses Consolidation Act 1845.]

#### Textual Amendments

- F1** S. 5A inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), s. 103\(2\)](#); [S.I. 2004/2593, art. 2\(a\)](#)

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- F2** S. 5A(5A) inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 17 para. 4(2)**; S.I. 2017/75, reg. 3(g)
- F3** S. 5A(5B) inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 18 para. 9**; S.I. 2017/75, reg. 3(k)
- F4** Words in s. 5A(6) substituted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 17 para. 4(3)**; S.I. 2017/75, reg. 3(g)
- F5** S. 5A(6)(b) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 16 para. 1(a)**; S.I. 2016/733, reg. 3(j)
- F6** Words in s. 5A(7) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 41** (with Sch. 5)
- F7** Words in s. 5A(9)(b) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 16 para. 1(b)**; S.I. 2016/733, reg. 3(j)

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**Modifications etc. (not altering text)**

- C1** S. 5A modified (30.4.2015) by Energy Act 2013 (c. 32), **ss. 124(6)(a)**, 156(1) (with s. 130); S.I. 2015/817, art. 2(a)
- C2** S. 5A applied (with modifications) (1.1.2018) by The Water Abstraction (Transitional Provisions) Regulations 2017 (S.I. 2017/1047), regs. 1, **12(1)** (with reg. 8)
- C3** S. 5A(5A) modified (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), art. 1, **Sch. 6 para. 2(2)** (with arts. 4, 37)
- C4** S. 5A(5A) modified (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **Sch. 2 para. 2**

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