1954 No. 1599

The Central Land Board Payments Regulations, 1954

Made - - - -	*1st December*, 1954
Laid before Parliament	*6th December*, 1954
Coming into Operation	*1st January*, 1955

The Minister of Housing and Local Government in exercise of the powers conferred on him by sections 13 and 68 of the Town and Country Planning Act, 1954(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Central Land Board Payments Regulations, 1954, and shall come into operation on the first day of January, 1955.

Interpretation

2.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires:—

"the Act" means the Town and Country Planning Act, 1954; and

"the Board" means the Central Land Board.

Applications and Particulars

3. An application for a payment under Part I of the Act shall be made on a form to be issued by and obtainable from the Board, and shall be sent to the Board on or before the thirtieth day of April, 1955:

Provided that the Board may in any particular case (either before on or after the date on which the time for applying would otherwise have expired), allow an extended, or further extended, period for the making of an application.

4.—(1) The Board may require (in the said form or otherwise) particulars to be given in relation to all or any of the following matters:—

(i) the identity of the applicant and the capacity in which he is acting;

(ii) the established claim by reference to which the application is made; and any dispositions (including mortgages) of such claim or part thereof;

(iii) any interest of the applicant in the claim area, or part of the claim area of the established claim and the land in which such interest subsists, or subsisted;

(iv) any interests (including mortgages and rentcharges) of persons other than the applicant in any land in the claim area, so far as information is available to the applicant;

(v) any disposition of land in the claim area and the consideration therefor, or any payment of compensation in respect of any such land, where such disposition or payment is material to the application;

(vi) the grounds on which the application is made;

(a) 2 & 3 Eliz. 2. c. 72. (b) 52 & 53 Vict. c. 63.

(vii) any other matter which in the opinion of the Board is relevant to their determination of the application;

and such particulars may include plans for the identification of any land.

(2) Where the Board by a direction in writing require the applicant to provide further particulars in connection with his application, the applicant shall furnish to the Board such particulars within such period (not being less than 30 days) as the Board may specify in the direction.

(3) The Board may by a direction in writing require any particulars supplied by the applicant pursuant to this regulation to be verified by such evidence (including a statutory declaration) as may be specified by the Board in any particular case and the applicant where so required shall furnish such evidence to the Board within such period (not being less than 30 days) as the Board may specify in the direction.

Determination of Payment

5.—(1) The Board shall consider any particulars supplied pursuant to the last preceding regulation and cause such investigations to be made and such steps to be taken as they may deem requisite for a proper determination of the application, and shall thereafter determine the amount of the payment to be made under Part I of the Act:

Provided that where the applicant has failed to furnish any particulars or evidence required by the Board under the last preceding regulation the Board may defer the determination of the application until after such particulars and evidence have been duly furnished, or if they at any time think fit may determine the application notwithstanding such failure, and in so doing may disregard any particulars already supplied by the applicant to which such requirement had reference.

(2) The Board shall, on determining the application, give notice to the applicant of their findings as to the amount of the payment to be made under Part I of the Act, and such findings shall show the material amounts (including apportionments and deductions) to which the Board have had regard in determining the application, and the provisions of the Act under which such amounts fall to be ascertained or taken into account.

(3) The Board shall also, on issuing their findings in a case where those findings include an apportionment, give a notice containing particulars of such apportionment to any person entitled to an interest in land which it appears to the Board will be substantially affected by the apportionment.

Disputes

6.—(1) Subject to the provisions of paragraph (2) of this regulation, if the applicant wishes to dispute the Board's findings, or if any other person, to whom particulars of an apportionment have been given or who claims that he is entitled to an interest in land which is substantially affected by an apportionment, wishes to dispute that apportionment, he may within 30 days of the issue of the Board's findings, give notice in writing to the Lands Tribunal that he disputes the findings, or as the case may be, the apportionment, and thereupon the dispute shall be referred to that Tribunal, and the Board shall notify accordingly all other persons to whom notices were given under the last preceding regulation.

(2) Where after receipt of a notice under the last preceding regulation any person signifies in writing to the Board his agreement to the findings, or, as the case may be, to an apportionment, he shall not thereafter be entitled to give the notice referred to in the preceding paragraph.

(3) The applicant and, so far as the dispute relates to an apportionment, any other person to whom particulars of that apportionment have been given or who establishes that he is entitled to an interest in land which is substantially affected by that apportionment shall, on compliance with the rules of the Lands Tribunal for the time being in force, be afforded an opportunity to be heard in any dispute before the Lands Tribunal under this regulation.

(4) The Lands Tribunal shall by their decision either confirm or vary the Board's findings, or, as the case may be, the apportionment, and shall notify the parties of their decision.

7.—(1) If at any time after notice of a dispute has been given under the last preceding regulation the Board and the applicant and, so far as the reference relates to an apportionment, all other persons to whom particulars of that apportionment have been given or who are parties to the reference, shall in writing agree the amount and distribution of the payment to be made under Part I of the Act, or, as the case may be, particulars of the apportionment, then on withdrawal of the reference the Board may revise their findings in accordance with such agreement, and shall give notice of such revised findings in the manner prescribed by paragraphs (2) and (3) of regulation 5 of these regulations.

(2) Where no notice of a dispute in respect of any findings of the Board is given under the last preceding regulation within the time limited in that behalf, or where all references relating to such findings are withdrawn, then the findings or, in a case falling within paragraph (1) of this regulation, the revised findings of the Board shall be treated as conclusive for the purposes of section 14 of the Act.

Given under the official seal of the Minister of Housing and Local Government this first day of December, nineteen hundred and fifty-four.

(L.S.)

Duncan Sandys,
Minister of
Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Part I of the Town and Country Planning Act, 1954, provides for the making of payments by the Central Land Board in respect of past compulsory acquisitions and other past acts or events, by reference to the claims established on the £300 million fund under Part VI of the Town and Country Planning Act, 1947. These regulations prescribe the manner in which applications are to be made for such payments, the period within which applications are to be made and the particulars and evidence to be submitted in support of such applications.

The regulations provide for the issue of findings by the Board on determining such applications and for rights of appeal to the Lands Tribunal by the applicant and other persons affected, and enable such persons to be heard by the Tribunal on an appeal.