1955 No. 1381

The Recoveries from Acquiring Authorities Regulations, 1955

Made - - - -	*5th September*, 1955
Laid before Parliament	*9th September*, 1955
Coming into Operation	*26th September*, 1955

The Minister of Housing and Local Government with the consent of the Treasury, in exercise of the powers conferred on him by sections 52 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:—

1. These Regulations may be cited as the Recoveries from Acquiring Authorities Regulations, 1955, and shall come into operation on the twenty-sixth day of September, 1955.

2.—(1) In these Regulations—

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

"the Board" means the Central Land Board;

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

"the Act of 1947" means the Town and Country Planning Act, 1947(b);

"section 52" means section 52 of the Act;

"lease" has the meaning assigned to it in the Act of 1947;

"the material date" means in regulation 3 the 18th day of November, 1952, and in regulation 4 the commencement of the Act;

"disposition" means a completed sale, exchange or lease, but where before the material date, a contract for a sale, exchange or lease was made which was not completed until after that date the disposition shall be deemed to have taken place at the date of the contract;

and in relation to an interest in land—

"compensation at existing use value" means the compensation which would have been payable in accordance with subsection (1) of section 51 of the Act of 1947 or section 55 of that Act had the interest been compulsorily acquired without the benefit of any such planning permission as is referred to in sections 82, 83, 84 or 85 of that Act; and

"consideration not exceeding the existing use value" means a consideration not exceeding the equivalent of the compensation at existing use value which would have been payable had the interest been acquired in pursuance of a notice to treat served at the date of the contract.

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

(a) 2 & 3 Eliz 2. c. 72. (b) 10 & 11 Geo. 6. c. 51. (c) 52 & 53 Vict. c. 63.

3. Where an interest in land has been acquired by a public authority possessing compulsory purchase powers and

(*a*) the Board are entitled to recover an amount from the acquiring authority under subsection (1) or subsection (7) of section 52, and

(*b*) the acquiring authority has after the interest was acquired and before the material date made a disposition of that interest, or of that interest in so far as it subsisted in part of the land, or of an interest in the whole or part of the land created out of the interest acquired, not being a disposition in favour of another such public authority,

then the amount recoverable under the said subsection (1) or the said subsection (7) shall be reduced as follows:—

(i) if the disposition was a sale of the whole of the interest acquired, for a consideration not exceeding the existing use value, no such amount shall be recoverable;

(ii) if the disposition was a sale, for a consideration not exceeding the existing use value, of the interest acquired in so far as it subsisted in part of the land, such amount shall be reduced by the part thereof which was attributable to the interest acquired in so far as it subsisted in that part of the land;

(iii) in any other case, such amount shall be reduced as in that particular case the Minister may consider appropriate, having regard to the terms of the disposition and to the extent to which those terms precluded the acquiring authority from realising the development value of the interest acquired.

4. Where an interest in land has been acquired by a public authority possessing compulsory purchase powers and

(*a*) the Board are entitled to recover an amount from the acquiring authority under subsection (1) or subsection (7) of section 52, and

(*b*) after the interest was acquired and before the material date the land in question or part thereof was the subject of a compulsory acquisition by another public authority possessing compulsory purchase powers or of a disposition in favour of that authority

then the acquiring authority shall be entitled to recover from the other authority,

(i) where the conveyance or assignment, in the case of a compulsory acquisition, or the disposition, in the case of a sale, comprised the whole of the interest acquired, or that interest in so far as it subsisted in part of the land, and the compensation did not exceed compensation at existing use value or the consideration was a consideration not exceeding the existing use value, the amount recoverable from the acquiring authority under the said subsection (1) or (7), or as the case may be, so much of that amount as was attributable to the interest acquired so far as it subsisted in that part of the land, or

(ii) in any other case, such sum as may be agreed between those authorities, or in default of agreement as may be determined by the Minister to be appropriate having regard to the extent to which development value has been realised in the disposition.

5. Where a public authority possessing compulsory purchase powers purchases any interest in land in pursuance of a contract made after the commencement of the Act and, if the purchase were a compulsory acquisition

in pursuance of a notice to treat served on the date of the contract, compensation on the basis of existing use would be payable, then where

(*a*) compensation under Part II or V of the Act or compensation to which Part IV of the Act applies has become payable (of an amount in any case exceeding twenty pounds) in respect of a planning decision or order made before the date of the contract, or

(*b*) by virtue of the Second Schedule to the Act a claim holding relating to the whole or part of the land comprised in the purchase was treated as extinguished, or reduced in value, by reference to a development charge relating to other land

the Minister (in a case falling within paragraph (*a*) of this regulation) or the Board (in a case falling within paragraph (*b*) thereof) shall be entitled to recover from the acquiring authority a sum equal to the amount by which the compensation that would have been payable on such a compulsory acquisition as aforesaid would have been greater if the circumstances referred to in the said paragraph (*a*) or (*b*), as the case may be, had not existed.

Dated this fifth day of September, 1955.

Given under the official seal of the Minister of Housing and Local Government.

(L.S.) *Duncan Sandys,*
Minister of Housing and Local Government.

We consent,

Edward Heath,
Gerald Wills,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These regulations, which are made under section 52 of the Town and Country Planning Act, 1954, provide—

(*a*) for reducing the amount recoverable by the Central Land Board under subsection (1) or (7) of that section where before 18th November, 1952, any of the land acquired passed to a private buyer or to an authority not possessing compulsory purchase powers (regulation 3);

(*b*) for enabling an acquiring authority to recover from another authority possessing compulsory purchase powers a contribution towards an amount recoverable from the acquiring authority under either of those subsections where the land passed to the other authority before 1st January, 1955 (regulation 4); and

(*c*) in the case of purchases by agreement after that date by an authority possessing compulsory purchase powers, for the payment by the acquiring authority in certain circumstances of an amount to the Minister or the Central Land Board (regulation 5).