CHAPTER 72

Town and Country Planning Act, 1954

ARRANGEMENT OF SECTIONS

PART I

SPECIAL PAYMENTS FOR DEPRECIATION OF LAND VALUES

Section
1. Payments by reference to established claims.
2. Claim holdings, their areas and values, and apportionment of values between parts of areas.
3. Payment where development charge incurred by claim-holder or person from whom he derives title (Case A).
4. Supplementary provisions relating to development charges.
5. Payment where land compulsorily acquired or sold at price wholly or partly excluding development value (Case B).
6. Supplementary provisions relating to compulsory acquisitions and to sales.
7. Payment where land disposed of by gift (Case C).
8. Payment where claim holding purchased (Case D).
9. Payment under Case A, B or C to person deriving title from original claim-holder.
10. Payments in cases analogous to Case B.
11. Residual payments in cases analogous to Cases A and B.
12. Payments not to exceed value of claim holding.
13. Applications for payments under Part I.
14. Payments to be made by Central Land Board.
15. Effect of payments on claim holdings.

PART II

COMPENSATION FOR REFUSAL, OR CONDITIONAL GRANT, OF PLANNING PERMISSION

16. Scope of Part II.
17. Unexpended balance of established development value.
18. Reduction or extinguishment of balance.
19. Right to compensation in respect of planning decisions.
20. Compensation excluded in respect of certain matters.
21. Compensation excluded if certain other development permitted.
22. General provisions as to claims for compensation.
23. Review of planning decisions where compensation claimed.
24. Supplementary provisions as to review of planning decisions.
25. General provisions as to amount of compensation.
26. Measure of depreciation for assessing compensation.
27. Determination of claims for compensation.
28. Apportionment and registration of compensation.
29. Recovery of compensation on subsequent development.

PART III

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

Section
30. Application of Part III.
31. Compensation to include unexpended balance of established development value.
32. Additional compensation for works.
33. Protection for purchaser of interest subsequently acquired compulsorily.
34. Compensation to take account of planning permission in certain other cases.
35. Additional payments in cases where no claim for development value has been established.
36. Compensation for severance, injurious affection and disturbance.
37. Effect of Part III on unexpended balance of established development value.

PART IV

COMPENSATION FOR REVOCATION OR MODIFICATION OF PLANNING PERMISSION

38. Amendment of s. 22 of principal Act.
39. Registration and apportionment of compensation for depreciation.
40. Exchequer contribution towards compensation in certain cases.
41. Recovery, on subsequent development, of compensation under s. 22 of principal Act.

PART V

COMPENSATION FOR PAST PLANNING DECISIONS AND PAST ORDERS REVOKING OR MODIFYING PLANNING PERMISSION

42. Scope of Part V.
43. Right to compensation in respect of past planning decisions, or past revocations, etc. of planning permission.
44. General provisions as to amount of compensation for past planning decisions, revocations, etc.
45. Claims for compensation under Part V, and review of past decisions and orders.
46. Payment of compensation under Part V, and supplementary provisions relating thereto.

PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

47. Associated companies.
48. Provision of information as to unexpended balance, etc.
49. Cancellation or reduction of liability for development charges.

Section

50. Exchequer grants to local authorities.
51. Supplementary provisions as to Exchequer grants.
52. Recovery of certain sums from acquiring authorities.
53. Compensation for damage to requisitioned land.
54. Special provisions relating to minerals.
55. Modification of mining leases granted before 18th November, 1952.
56. Contributions to Ironstone Restoration Fund.
57. Recovery, on subsequent development, of payments under s. 59 of principal Act.
58. Provisions as to monopoly value of licensed premises.
59. Applications for permission for industrial development.
60. Dispositions of claims under Part VI of principal Act.
61. Crown land.
62. Application of Act to London, and to Isles of Scilly.
63. Dissolution of Central Land Board.
64. General financial provisions.
65. General provisions as to calculation of value.
66. Provisions as to mortgages, settlements, ecclesiastical property, etc.
67. Application of miscellaneous provisions of principal Act.
68. Provisions as to regulations.
69. Interpretation.
70. Amendment of s. 19 of principal Act.
71. Minor and consequential amendments, and repeals.
72. Short title, citation, commencement and extent.

SCHEDULES:

First Schedule—Modification of provisions of principal Act as to development value.

Second Schedule—Claims pledged to Central Land Board as security for development charges.

Third Schedule—Payments under section fifty-nine of principal Act.

Fourth Schedule—Calculation of value of previous development of land.

Fifth Schedule—Apportionment of unexpended balance of established development value.

Sixth Schedule—Special classes of land for which planning permission is to be taken into account on compulsory acquisition.

Seventh Schedule—Enactments amended.

Eighth Schedule—Enactments repealed.

An Act to make provision for compensation and other payments by reference to claims for payments under section fifty-eight of the Town and Country Planning Act, 1947; to make further provision as to the acquisition of land by public authorities, as to compensation in respect of orders revoking or modifying permission to develop land and in respect of damage to requisitioned land, as to development charges, as to monopoly value of licensed premises, as to Exchequer grants under the said Act of 1947, and as to payments under section fifty-nine of that Act, and to amend other provisions of that Act; to make further provision for the modification of mining leases and orders granting working rights, and as to contributions to the Ironstone Restoration Fund; to make provision for the dissolution of the Central Land Board; and for purposes connected with the matters aforesaid. [25th November, 1954]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

SPECIAL PAYMENTS FOR DEPRECIATION OF LAND VALUES

Payments by reference to established claims.

1.—(1) The provisions of this Part of this Act shall have effect for requiring payments to be made by the Central Land Board, by reference to claims established under Part VI of the Town and Country Planning Act, 1947 (in this Act referred to as "the principal Act"), in cases where the land, or part of the land, in respect of which such a claim was established, or the interest in land to which such a claim related, or the benefit, or part of the benefit, of such a claim, has before the commencement of this Act been the subject of an act or event such as is specified in any of those provisions.

(2) The claims referred to in the preceding subsection are claims for payments under the scheme which, but for the provisions of section two of the Town and Country Planning Act, 1953 (in this Act referred to as "the Act of 1953"), would have fallen to be made under section fifty-eight of the principal Act (which provided for payments in respect of depreciation of land values in accordance with a scheme to be made under that section).

PART I —*cont.*

(3) A claim for such a payment in respect of an interest in land shall for the purposes of this Act be taken to have been established in respect of that land under Part VI of the principal Act if an amount was determined under the said Part VI, or is so determined after the commencement of this Act, as being the development value of the interest to which the claim related, and payment in respect of that interest would not have been excluded—

(*a*) by section sixty-three of the principal Act (which excluded claims where the development value was small in proportion to the area, or to the restricted value, of the land); or

(*b*) by any of sections eighty-two to eighty-five of the principal Act (which relate to certain land belonging to local authorities, development corporations and statutory undertakers, and to land held on charitable trusts); or

(*c*) by section eighty-four of the principal Act as applied by regulations under section ninety of that Act (which relates to the National Coal Board).

(4) In this Act the expression "established claim" means a claim which by virtue of the last preceding subsection is to be taken to have been established as mentioned in that subsection, and references to the establishment of a claim shall be construed accordingly; and the expression "the claim area", in relation to an established claim, means the land in respect of which the claim is by virtue of that subsection to be taken to have been established.

(5) References in this Act to the benefit of an established claim—

(*a*) in relation to any time before the passing of the Act of 1953, whether before or after the making of the claim, or before or after the establishment thereof, shall be construed as references to the prospective right, under and subject to the provisions of the scheme referred to in subsection (2) of this section, to receive a payment in respect of the interest in land to which the claim related; and

(*b*) in relation to any time after the passing of the Act of 1953 (whether before or after the commencement of this Act), shall be construed as references to such prospective right to the satisfaction of the claim as subsisted immediately before the commencement of this Act by virtue of section two of that Act;

and references to part of the benefit of an established claim shall be construed accordingly.

PART I —*cont.*

(6) References in this Act to the amount of an established claim are references to the amount determined, whether before or after the commencement of this Act, under Part VI of the principal Act as being the development value of the interest in land to which the claim related:

Provided that the provisions of the First Schedule to this Act shall have effect for the purpose of determining that amount, and where that amount was determined at a time before the commencement of this Act as an amount less or greater than it would have been if those provisions had at that time had effect in relation thereto, that determination shall be deemed not to have been made.

2.—(1) Subject to the provisions of this Act, references therein to a claim holding are references to the benefit of an established claim, references to the area of a claim holding are references to the land which, in relation to the established claim constituting that holding, is the claim area, and references to the value of a claim holding are references to the amount of the established claim constituting that holding.

(2) The provisions—

(*a*) of the Second Schedule to this Act, relating to cases where a claim holding was pledged to the Central Land Board; and

(*b*) of the Third Schedule to this Act, relating to cases where a claim holding related to an interest in land and a payment has become, or becomes, payable under section fifty-nine of the principal Act (which provides for payments in respect of certain war-damaged land) in respect of the like interest in the whole or part of that land with or without any other land,

Claim holdings, their areas and values, and apportionment of values between parts of areas.

shall have effect for extinguishing the claim holding, or reducing the value thereof, or for treating the claim holding as divided into two or more claim holdings and extinguishing any of those holdings or reducing the value thereof.

(3) Where by virtue of any disposition of part of the benefit of an established claim, not being a mortgage made otherwise than by way of assignment, different persons became entitled to different parts of that benefit, then, as from the date of that disposition (in this subsection referred to as "the relevant disposition"), each of those different parts shall be treated as having constituted a separate claim holding, and the area and value of each of those separate holdings at any material time after the relevant disposition shall be taken to have been such

PART I —*cont.*

as may, on the occasion of an apportionment affecting that holding falling to be made for any of the purposes of this Act, be determined by the authority making the apportionment, or, where that authority's findings are referred to the Lands Tribunal under any provision of this Act, by that Tribunal, to be just and appropriate in all the circumstances; and in making their determination the authority or Tribunal shall in particular have regard to the following principles, that is to say—

(*a*) that the aggregate of the values of all claim holdings representing parts of the benefit of the same established claim shall not exceed the amount of that established claim;

(*b*) that, subject to the preceding paragraph, where a claim holding representing part only of the benefit of an established claim has been pledged to the Central Land Board within the meaning of the Second Schedule to this Act, otherwise than as is mentioned in paragraph 2 of that Schedule, and by virtue of that Schedule any deduction falls to be made from the value of that claim holding by reference to an amount due by way of development charge, the value of that holding at the time of the pledge shall not be taken to have been less than the amount credited for the purposes of the pledge by reference to the holding;

(*c*) that, in the case of the claim holding representing the part of the benefit of an established claim which was the subject of the relevant disposition, not being a claim holding to which paragraph (*d*) of this subsection applies—

(i) the area of the claim holding should be taken to be the claim area of that established claim less the area of any claim holding to which the said paragraph (*d*) applies which represents part of the benefit of the same established claim; and

(ii) the value of the claim holding immediately after the relevant disposition should, subject to paragraphs (*a*) and (*b*) of this subsection, be taken to have been that part of the amount of the established claim to which the holder purported to become entitled under the terms of that disposition;

(*d*) that where any person who has been entitled to a claim holding representing part only of the benefit of an established claim—

(i) at any time while so entitled has also been entitled to the interest in land to which the established

claim related in so far as that interest subsisted in part only of the claim area; and

(ii) became entitled to both that holding and that interest in such circumstances that the authority aforesaid or, as the case may be, the Lands Tribunal are satisfied that the holding and the interest were intended to relate to one another,

the area of that claim holding should be taken to be that part of the claim area, and the value of that holding immediately after the relevant disposition should, however that or any other disposition affecting the holding was expressed but subject to paragraphs (*a*) to (*c*) of this subsection, be taken to have been an amount equal to so much of the amount of the established claim as might reasonably be expected to have been attributed to that part of the claim area if the authority determining the amount of that established claim had been required to apportion it, in accordance with the same principles as applied to its determination, between that part and the residue of the claim area.

(4) References in this Act to the fraction of the value of a claim holding which attaches to a part of the area of the holding are references to so much of the amount of the established claim of which that holding represents the benefit or part of the benefit (in this subsection referred to as "the relevant established claim") as was properly attributable to that part of the area of the holding:

Provided that where by virtue of any provision of this Act the value of the claim holding at the time in question is to be treated as less or greater—

(*a*) in a case where the area of the holding and the claim area of the relevant established claim are the same, than the amount of that established claim; or

(*b*) in a case where the area of the holding consists of part only of the said claim area, than so much of the amount of the relevant established claim as was properly attributable to the area of the holding,

the amount of the fraction aforesaid shall be treated as reduced or, as the case may be, increased proportionately.

For the purposes of this subsection, the part of the amount of the relevant established claim which was properly attributable to any land forming part of the claim area shall be deemed to be so much of the amount of that claim as might reasonably be expected to have been attributed to that land if the authority determining that amount had been required to apportion it, in

PART I —*cont.*

accordance with the same principles as applied to its determination, between that land and the residue of the claim area.

(5) References in this Part of this Act, other than in this section, to the value of a claim holding are references to the value of that holding immediately before the commencement of this Act.

(6) Where in accordance with any of the provisions of this Act a part of the benefit of an established claim constitutes a separate claim holding, the interest in land to which that claim holding related—

(*a*) if the established claim related to the fee simple of the claim area, shall be taken to have been the fee simple of the area of the claim holding;

(*b*) if the established claim related to a leasehold interest, shall be taken to have been that leasehold interest in so far as it subsisted in the area of the claim holding.

(7) Where in accordance with any of the provisions of this Act a claim holding (in this subsection referred to as " the parent holding ") is to be treated as divided into two or more claim holdings, a person who is for the time being the holder of one of those holdings shall be treated as having been the holder thereof at any time when he was the holder of the parent holding.

(8) In this Act the expression " the holder ", in relation to a claim holding, means the person for the time being entitled to the holding or, where the holding is subject to a mortgage made otherwise than by way of assignment, means the person who would be so entitled if the holding had not been mortgaged.

Payment where development charge incurred by claim-holder or person from whom he derives title (Case A).

3.—(1) The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of that holding if either—

(*a*) he has incurred a development charge in respect of land to which this subsection applies; or

(*b*) he is entitled to an interest in land to which this subsection applies, and a development charge was incurred in respect of that land by a person from whom he derives title to that interest or whose interest has subsequently become merged in that interest.

(2) The preceding subsection applies to any land which constitutes the area of the claim holding, or part of that area, or which includes that area or part of that area.

PART I —*cont.*

(3) The principal amount of a payment made in respect of a claim holding by virtue of this section—

(*a*) if the development charge was incurred in respect of the whole of the area of the holding, or in respect of land which included the whole of that area, shall not exceed the value of the holding;

(*b*) if the development charge was incurred in respect of part of the area of the holding, or in respect of land which included part (but not the whole) of that area, shall not exceed that fraction of the value of the holding which attaches to that part of the area of the holding.

(4) Subject to the last preceding subsection, and to the two next following subsections, the principal amount of a payment made by virtue of this section by reference to a development charge shall be the amount of the charge.

(5) Where apart from this subsection a payment would be payable by virtue of this section by reference to a development charge, and by reason of the payment of that charge—

(*a*) compensation has become payable (whether before or after the commencement of this Act) under subsection (1) of section twenty-two of the principal Act (which relates to cases where planning permission is revoked or modified), or the amount of any compensation so payable has been increased; or

(*b*) in connection with a compulsory acquisition of land (whether before or after the commencement of this Act) the operation of subsection (4) of section fifty-one of the principal Act (which relates to planning permission granted before the notice to treat) has been excluded and the compensation payable in respect of the acquisition has been thereby increased; or

(*c*) on a sale to a public authority possessing compulsory purchase powers (whether before or after the commencement of this Act) the sale price has been increased by being calculated on the basis that the operation of subsection (4) of the said section fifty-one was excluded,

the Central Land Board shall reduce or disallow the payment as the Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, that Tribunal may determine to be appropriate, having regard to the compensation, or increased compensation, or increased price, as the case may be, payable by reason of the development charge.

(6) Where two or more payments are payable by virtue of this section in respect of different claim holdings but by reference to the same development charge, and apart from this

PART I —*cont.*

subsection the aggregate of the principal amounts of those payments would exceed the amount of the charge, each such principal amount shall be reduced rateably so that the aggregate of them is equal to the amount of the charge.

(7) In the following provisions of this Act references to a payment under Case A are references to a payment by virtue of this section.

Supplementary provisions relating to development charges.

4.—(1) For the purposes of this Part of this Act a development charge shall be taken to have been incurred in respect of any land if the Central Land Board have (whether before or after the commencement of this Act) determined that the charge was payable in respect of the carrying out of operations in, on, over or under that land, or in respect of the use of that land, and the whole or part of the charge has been paid or has become payable.

(2) For the purposes of this Part of this Act the person by whom a development charge was incurred shall be taken to be the person by whom or on whose behalf the charge was paid or, if the charge was not paid in full in the first instance, the person who undertook with the Central Land Board to pay the charge or the unpaid balance thereof.

(3) For the purposes of this Part of this Act the amount of a development charge—

(*a*) in a case where the Central Land Board determined that amount as a single capital payment, shall be taken to be the amount so determined;

(*b*) in a case where the Board determined that amount otherwise than as a single capital payment, shall be taken to be the amount of the single capital payment which would have been payable if the Board had determined the amount as such a payment.

Payment where land compulsorily acquired or sold at price wholly or partly excluding development value (Case B).

5.—(1) The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of that holding if, at a time when he was entitled in the same capacity both to the claim holding and to the interest in land to which the holding related, that interest—

(*a*) was compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers, in such circumstances that the compensation payable in respect of the acquisition of the interest, or the price at which the interest was sold, fell short of the sum of the value of the holding and the existing use value of the interest; or

PART I —*cont.*

(*b*) was sold, otherwise than to a public authority possessing compulsory purchase powers, at a price which fell short of the sum of the value of the holding and the restricted value of the interest.

(2) No payment shall be made by virtue of this section by reason that an interest in land was compulsorily acquired or sold as mentioned in paragraph (*a*) of the preceding subsection if the compensation payable in respect of the acquisition thereof, or the price at which the interest was sold—

(*a*) was calculated in accordance with the provisions of Part II of the Town and Country Planning Act, 1944 (which provided for compensation based on market value, by reference to prices current at the thirty-first day of March, nineteen hundred and thirty-nine); or

(*b*) was compensation calculated on the basis of equivalent reinstatement, or a price agreed by reference to compensation so calculated.

(3) No payment shall be made by virtue of this section unless the transaction in question—

(*a*) if it was a compulsory acquisition, or a sale to a public authority possessing compulsory purchase powers, was effected in pursuance of a notice to treat served, or a contract made, on or after the sixth day of August, nineteen hundred and forty-seven, and before the commencement of this Act;

(*b*) if it was a sale otherwise than to a public authority possessing compulsory purchase powers, was effected in pursuance of a contract made on or after the said sixth day of August and before the eighteenth day of November, nineteen hundred and fifty-two, or in pursuance of an option granted on or after the first day of July, nineteen hundred and forty-eight, and before the said eighteenth day of November,

and unless the acquisition or sale has been completed (whether before or after the commencement of this Act) at the time when an application is made to the Central Land Board for the payment.

(4) The principal amount of a payment made by virtue of this section in respect of a claim holding—

(*a*) in a case falling within paragraph (*a*) of subsection (1) of this section, shall be the value of the holding, reduced by any amount by which the compensation or sale price exceeded the existing use value of the interest;

PART I —*cont.*

(*b*) in a case falling within paragraph (*b*) of that subsection, shall be the value of the holding, reduced by any amount by which the sale price exceeded the restricted value of the interest.

(5) In the application of the preceding provisions of this section to a case where the interest compulsorily acquired or sold extended to land not included in the area of the claim holding—

(*a*) references to the compensation payable in respect of the acquisition of the interest, or to the existing use value of the interest, shall be construed respectively as references to so much of that compensation or value as might reasonably be expected to have been attributed to the interest in so far as it subsisted in land included in the area of the claim holding;

(*b*) references to the sale price shall be construed as references to so much of that price as the parties to the sale may reasonably be supposed to have attributed to the interest in so far as it subsisted in land so included; and

(*c*) references to the restricted value of the interest shall be construed as references to the restricted value of the interest in so far as it subsisted in land so included.

(6) In the application of the preceding provisions of this section to a case where the interest compulsorily acquired or sold did not extend to the whole area of the claim holding, references to the value of the claim holding shall be construed as references to that fraction of that value which attaches to the part of the area of the claim holding which was comprised in the acquisition or sale.

(7) Where an interest in land is the subject of a compulsory acquisition or sale such as is mentioned in subsection (3) of this section and—

(*a*) on or after the first day of July, nineteen hundred and forty-eight, but before the date of the compulsory acquisition or sale, another interest had become merged with that interest; and

(*b*) the person entitled to the interest compulsorily acquired or sold was at the date of the compulsory acquisition or sale entitled to a claim holding or claim holdings which related to either or each of the merged interests,

this section shall apply as if those interests had not merged but had been separately acquired from or sold by the person entitled to the interest acquired or sold; and the compensation payable in respect of the compulsory acquisition or, as the case may be,

PART I —*cont.*

the sale price shall be treated as apportioned between those interests accordingly:

Provided that nothing in this subsection shall prejudice the operation of the proviso to subsection (4) of the next following section.

(8) Where two or more persons are jointly entitled to a claim holding, then, for the purpose of ascertaining whether or not those persons are entitled to a payment in respect of the holding by virtue of this section, any act or event by virtue of which the interest of any one or more of those persons in any of the area of the claim holding passed to any other one or more of those persons shall be deemed not to have occurred.

(9) The provisions of this and the next following section shall apply in relation to any interest in land vested in the British Transport Commission by subsection (2) of section forty-five of the Transport Act, 1947 (which relates to the acquisition of road haulage undertakings by the Commission) as if that vesting were a compulsory acquisition of that interest and as if the notice of acquisition served under Part III of that Act by virtue of which the interest was so vested were a notice to treat.

(10) Without prejudice to section ten of this Act, paragraph (*b*) of subsection (1) of this section shall not apply in relation to a sale in consideration wholly or partly of a rentcharge.

(11) In the following provisions of this Act references to a payment under Case B are references to a payment by virtue of this section.

Supplementary provisions relating to compulsory acquisitions and to sales.

6.—(1) In the last preceding section—

(*a*) references to the compensation payable in respect of the acquisition of an interest, or to the price at which an interest was sold to a public authority possessing compulsory purchase powers, shall be construed as excluding so much (if any) of that compensation or price as was attributable to disturbance or to severance or injurious affection;

(*b*) references to the existing use value of an interest acquired by or sold to such a public authority are references to the amount of compensation (not being compensation calculated on the basis of equivalent reinstatement and excluding any compensation for disturbance or for severance or injurious affection) which was or would have been payable in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified by sections fifty-one to fifty-five of the principal Act.

(2) Subject to the following provisions of this section, references in the last preceding section to the restricted value of an

PART I —*cont.*

interest in land, in relation to a sale of that interest, are references to the amount which, for the purposes of Part VI of the principal Act, would have been taken to be the restricted value of that interest on the appointed day if—

(*a*) the date of the sale had been appointed as the appointed day for the purposes of the said Part VI and, so far as required for the purposes of that Part, for the purposes of the Third Schedule to the principal Act;

(*b*) references to the seventh day of January, nineteen hundred and forty-seven, in subsection (5) of section sixty-one of the principal Act (which requires values to be calculated by reference to prices current immediately before that day) were references to the date of the sale;

(*c*) in a case where the interest was sold subject to a mortgage, subsection (3) of section sixty-two of the principal Act (which requires a mortgaged interest to be valued as if the mortgage had been discharged) did not apply;

(*d*) in a case where the land was requisitioned land at the date of the sale and, by reason of a payment under the War Damage Act, 1943, the value of the claim holding referred to in subsection (1) of the last preceding section was affected by a redetermination of development value under paragraph 6 of the First Schedule to this Act, the state of the land had been at the date of the sale what it would have been at the beginning of the period of requisition if the war damage had occurred immediately before the beginning of that period; and

(*e*) in a case where the value of the claim holding aforesaid was affected by reason of the fact that Rule (3) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, was disregarded as mentioned in paragraph 10 of the First Schedule to this Act, the reference in subsection (1) of section sixty-two of the principal Act to the said Rule (3) were omitted:

Provided that where the Minister issued in respect of that land or any part thereof a certificate under section eighty of the principal Act (which relates to land ripe for development before the first day of July, nineteen hundred and forty-eight) and at the date of the sale the development specified in the certificate had not been completed, then—

(i) that certificate shall be deemed not to have been issued; but

PART I —*cont.*

(ii) the said references in the last preceding section shall be construed as references to the amount aforesaid increased by the amount of any development charge which, in the opinion of the Central Land Board, would have been determined to be payable in respect of so much of that development as had not been completed if it had been completed and if the certificate had not been issued and the charge had fallen to be determined at the date of the sale.

(3) Where, in determining the development value of the interest in land to which the claim holding related, a deduction was made in accordance with subsection (6) of section sixty-one of the principal Act (which requires certain amounts prospectively payable as compensation for severance or injurious affection to be deducted in computing the unrestricted value of an interest) or where, in the opinion of the Central Land Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, of the Tribunal, if the development value of the interest had fallen to be determined such a deduction would have been made, then, for the purposes of paragraph (*b*) of subsection (1) and paragraph (*b*) of subsection (4) of the last preceding section, the value of the claim holding shall be treated as increased by the amount which would have been the amount of the deduction under the said subsection (6) if the date of the sale had been appointed as the appointed day for the purposes of Part VI of the principal Act.

(4) Where, in determining the development value of the interest in land to which the claim holding related, the restricted value of the interest on the appointed day was taken to be a minus quantity, or where, in the opinion of the Central Land Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, of that Tribunal, if the development value of the interest had fallen to be determined the restricted value of the interest on that day would have been a minus quantity, then, for the purposes of paragraph (*a*) of subsection (1) and paragraph (*a*) of subsection (4) of the last preceding section, the value of the claim holding shall be treated as reduced by the amount of that minus quantity:

Provided that where the whole or part of any liability or prospective liability which was or, as the case may be, would have been taken into account in calculating that restricted value had ceased to exist before the date of the compulsory acquisition or sale, the Board or, as the case may be, the Lands Tribunal may, if they think it just and proper so to do, waive in whole or in part, as may appear to them appropriate, any reduction otherwise falling to be made under this subsection.

PART I —*cont.*

(5) For the purposes of this Part of this Act a compulsory acquisition or sale of an interest in land shall be taken to have occurred on the date of service of the notice to treat or, as the case may be, on the date of the making of the contract of sale, or, in the case of the exercise of an option, the date on which the option was granted.

Payment where land disposed of by gift (Case C).

7.—(1) The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of that holding if, at a time when he was beneficially entitled both to the claim holding and to the interest in land to which the holding related or another interest in which that interest had merged, he made a disposition otherwise than for valuable consideration, being a disposition by virtue of which he parted absolutely with the whole of his beneficial interest in that land.

(2) No payment shall be made by virtue of this section unless the disposition was made on or after the first day of July, nineteen hundred and forty-eight, and before the eighteenth day of November, nineteen hundred and fifty-two.

(3) The principal amount of a payment made by virtue of this section in respect of a claim holding shall be the value of the holding.

(4) In the application of this section to a case where the disposition did not extend to the whole area of the claim holding, the last preceding subsection shall apply as if the reference to the value of the claim holding were a reference to that fraction of that value which attaches to the part of the area of the claim holding which was comprised in the disposition.

(5) Where, in determining the development value of the interest in land to which the claim holding related, the restricted value of the interest on the appointed day was taken to be a minus quantity, or where, in the opinion of the Central Land Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, of that Tribunal, if the development value of the interest had fallen to be determined the restricted value of the interest on that day would have been a minus quantity, then, for the purposes of this section, the value of the claim holding shall be treated as reduced by the amount of that minus quantity:

Provided that where the whole or part of any liability or prospective liability which was or, as the case may be, would have been taken into account in calculating that restricted value had ceased to exist before the date of the disposition in question, the Board or, as the case may be, the Lands Tribunal may, if they think it just and proper so to do, waive in whole or in part, as may appear to them appropriate, any reduction otherwise falling to be made under this subsection.

PART I —*cont.*

(6) In the following provisions of this Act references to a payment under Case C are references to a payment by virtue of this section.

Payment where claim holding purchased (Case D).

8.—(1) The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of the holding if—

(*a*) he became entitled to the holding under a disposition to which this section applies, or derives title to it from a person who so became entitled to it; and

(*b*) at no time since the date of that disposition has the same person been entitled in the same capacity both to the claim holding and to the interest in land to which the holding related.

(2) This section applies to any disposition for valuable consideration effected before the eighteenth day of November, nineteen hundred and fifty-two, or effected in pursuance of a contract of sale made before that day or in pursuance of the exercise before the commencement of this Act of an option granted on or after the first day of July, nineteen hundred and forty-eight, and before the eighteenth day of November, nineteen hundred and fifty-two:

Provided that this section does not apply to mortgages.

(3) The principal amount of a payment made by virtue of this section in respect of a claim holding shall be the value of the holding or the amount of the consideration for the disposition, whichever is the less.

(4) For the purposes of the last preceding subsection, if the dispositions under which the holder, and any predecessors in title of his, became entitled to the holding include two or more dispositions to which this section applies, each of those dispositions other than the latest of them shall be disregarded.

(5) References in this Act to a payment under Case D are references to a payment by virtue of this section.

Payment under Case A, B or C to person deriving title from original claim-holder.

9. The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of the holding under Case A, Case B or Case C, notwithstanding that apart from this section he would not be entitled to a payment thereunder, if he—

(*a*) derives title to the claim holding from a person who would have been entitled to such a payment as aforesaid if that person had continued to be the holder of the claim holding; and

PART I —*cont.*

(*b*) became entitled to the claim holding—

(i) otherwise than for valuable consideration; or

(ii) as mortgagee; or

(iii) as assignee under an assignment made on or after the eighteenth day of November, nineteen hundred and fifty-two, which has been approved by the Central Land Board under subsection (2) of section two of the Act of 1953; and

(*c*) has not at any time been entitled in the same capacity both to the claim holding and to the interest in land to which the holding related; and

(*d*) is not entitled to a payment in respect of the holding under Case D.

Payments in cases analogous to Case B.

10.—(1) The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of that holding if the interest in land to which the claim holding related or another interest in which that interest had merged was affected by an act or event such as is mentioned in the next following subsection, and the Central Land Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, that Tribunal, having regard to the circumstances in which the act or event occurred, are satisfied that he would have been entitled to a payment under Case B if the interest so affected (in the next following subsection referred to as the "relevant interest") had been compulsorily acquired, or sold, in comparable circumstances.

(2) The said acts and events are—

(*a*) the grant of a tenancy immediately out of the relevant interest, or the renewal or continuance of a tenancy so granted;

(*b*) a sale of the relevant interest or of that interest in so far as it subsisted in particular land, where the consideration for the sale consisted wholly or partly of a rentcharge;

(*c*) the compulsory acquisition of land other than the land in which the relevant interest subsisted, or the sale of such land to a public authority possessing compulsory purchase powers, resulting (in either case) in damage sustained in respect of the relevant interest by reason of the severance of the land acquired or sold from the land in which the interest subsisted, or by reason that the relevant interest was injuriously affected, being damage in respect of which compensation fell, or if the sale had been a compulsory acquisition would have

fallen, to be assessed in accordance with the provisions of Part V of the principal Act (which provides for compensation on the basis of existing use value) as applied by subsection (4) of section one hundred and nineteen of that Act; and

(*d*) the occurrence of damage to the land in which the relevant interest subsisted, where the land was requisitioned land and the damage occurred during the period of requisition, being damage in respect of which compensation fell to be assessed in accordance with section two of the Compensation (Defence) Act, 1939, as modified by section ten of the Requisitioned Land and War Works Act, 1948 (which limits the compensation to an amount calculated on the basis of existing use value).

(3) In determining, for the purposes of subsection (1) of this section, whether the holder of the claim holding would have been entitled to a payment under Case B as mentioned in that subsection, the Central Land Board or, as the case may be, the Lands Tribunal shall have regard in particular to the time at which the act or event occurred, and to the times specified in subsection (3) of section five of this Act, and—

(*a*) in the case of a tenancy, to the capital value of the consideration for the grant, renewal or continuance thereof;

(*b*) in the case of a sale falling within paragraph (*b*) of the last preceding subsection, to the capital value of the rentcharge or, as the case may be, to the aggregate consideration represented by the price paid and the capital value of the rentcharge;

(*c*) in the case of a compulsory acquisition falling within paragraph (*c*) of the last preceding subsection or in a case falling within paragraph (*d*) of that subsection, to the compensation paid or payable in respect of the damage referred to in that paragraph;

(*d*) in the case of a sale falling within paragraph (*c*) of the last preceding subsection, to the sale price in so far as it represented compensation in respect of the damage referred to in that paragraph,

and (in each such case) to the extent to which the consideration, rentcharge, compensation or price, as the case may be, failed adequately to reflect the development value of the interest in land to which the claim holding related, as measured by the value of the claim holding.

(4) In the case of the grant, renewal or continuance of a tenancy, a payment shall not be made by virtue of this section

PART I —*cont.*

if the Central Land Board or, as the case may be, the Lands Tribunal are satisfied, having regard—

(*a*) to the duration of the term for which the tenancy was granted, renewed or continued; and

(*b*) to any restrictions on development subject to which the tenancy was granted, renewed or continued,

that the consideration could not reasonably be expected to have been greater if Part VII of the principal Act (which relates to development charges) had not been enacted.

(5) The principal amount of a payment made by virtue of this section shall be such amount as the Board or, as the case may be, the Tribunal may determine to be appropriate, having regard to the matters specified in subsection (3) of this section and to the provisions of subsection (4) of section five of this Act.

Residual payments in cases analogous to Cases A and B.

11.—(1) A person (in this section referred to as "the applicant") shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of a claim holding of which he is not the holder if—

(*a*) the applicant is entitled to an interest in land which constitutes the area of the claim holding, or part of that area, or which includes that area or part of that area, and has incurred a development charge in respect of that land; or

(*b*) the interest in land to which the claim holding related or another interest in which that interest had merged was (as respects the whole or part of the area of the claim holding) compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers,

and the Central Land Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, that Tribunal are satisfied, having regard to the circumstances in which the development charge was incurred, or the interest was acquired or sold, as the case may be, that the applicant would have been entitled to a payment under Case A or Case B if he had been the holder of the claim holding at all material times.

(2) Except in a case falling within subsection (4) of this section, a payment shall not be made by virtue of this section unless it is shown—

(*a*) in a case falling within paragraph (*a*) of the preceding subsection, that the person incurring the development charge, or a person from whom he derived title, had previously purchased the interest in land to which the claim holding related (either as respects the whole or a part of the area of the claim holding) from the person

who, at the time of the purchase, was the holder of the claim holding, or that he was the tenant under a tenancy created immediately out of that interest (either as respects the whole or a part of that area) by the person who was then the holder of the claim holding; or

(*b*) in a case falling within paragraph (*b*) of the preceding subsection, that the interest compulsorily acquired or sold had previously been purchased by the applicant, or a person from whom the applicant derived title, from the person who, at the time of the purchase, was the holder of the claim holding,

and (in either case) the Central Land Board or, as the case may be, the Lands Tribunal are satisfied that the consideration for the previous purchase, or the tenancy, as the case may be, did not wholly exclude the development value of the interest in land to which the claim holding related, as measured by the value of the claim holding.

(3) For the purposes of the last preceding subsection, a previous purchase shall be disregarded if it was a purchase by a public authority possessing compulsory purchase powers.

(4) The case referred to in the exception mentioned in subsection (2) of this section is a case where a person who died on or after the first day of July, nineteen hundred and forty-eight, and before the twenty-sixth day of February, nineteen hundred and fifty-four, was immediately before his death the holder of the claim holding and entitled to the interest in land to which the claim holding related, and by his will disposed of that interest and of the claim holding in such a way that the applicant—

(*a*) is entitled to that interest, or will (subject to the powers of personal representatives) be entitled to require that interest to be vested in him; but

(*b*) is not entitled to the claim holding or to any interest in that holding or in the proceeds of sale thereof.

(5) Subject to the next following subsection, the principal amount of a payment made by virtue of this section shall be such amount as the Central Land Board or, as the case may be, the Lands Tribunal may determine to be appropriate, having regard to the provisions of this Part of this Act relating to payments under Cases A and B.

(6) Where apart from this subsection a payment would be payable in respect of a claim holding by virtue of this section, and one or more payments in respect of that holding are payable under any of Cases A to D, or under the last preceding section, or the Central Land Board or, as the case may be, the Lands Tribunal are satisfied that one or more such payments

PART I —*cont.*

would be or have been so payable if applied for, then for the purposes of this section the Board shall subtract from the value of the claim holding the amount or aggregate amount of the payment or payments which are so payable, or which in the opinion of the Board or, as the case may be, of the Tribunal would be or have been so payable, as the case may be, and shall treat that value as reduced, or the claim holding as extinguished, accordingly.

Payments not to exceed value of claim holding.

12.—(1) Where two or more payments are payable in respect of the same claim holding by virtue of the preceding provisions of this Part of this Act, other than the last preceding section, the authority determining the amount of any such payment shall apportion that amount between the different parts of the area of the claim holding in such manner as appears to that authority proper, and if the aggregate of the portions of the principal amounts of the respective payments so apportioned to any part of the area of the claim holding would, apart from the provisions of this subsection, exceed the fraction of the value of the claim holding attaching to that part of the area thereof, those portions shall be reduced rateably so that the aggregate of them is equal to the said fraction, and the said principal amounts shall be treated as reduced accordingly.

(2) Where two or more payments are payable in respect of the same claim holding by virtue of the last preceding section, the aggregate of the principal amounts of those payments shall not exceed the value of the claim holding or, where that value is treated as reduced in accordance with subsection (6) of the last preceding section, that value as so reduced.

Applications for payments under Part I.

13.—(1) No payment under this Part of this Act shall be payable unless an application for the payment is made to the Central Land Board in such manner, within such period (not being less than three months from the commencement of this Act), and accompanied by such particulars and verified by such evidence, as may be prescribed by regulations under this section, or as may be required by the Board in accordance with such regulations:

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 making an application for such a payment.

(2) Provision shall be made by regulations under this section—

(*a*) for requiring applications for payments under this Part of this Act to be determined by the Central Land Board in such manner as may be prescribed by the regulations;

PART I —*cont.*

(*b*) for regulating the practice and procedure to be followed in connection with the determination of such applications;

(*c*) for requiring the Board, on determining any such application, to give notice of their findings to the applicant, and, if their findings include an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land which it appears to the Board will be substantially affected by the apportionment.

(3) Subject to the next following subsection, provision shall be made by regulations under this section—

(*a*) for enabling the applicant, if he wishes to dispute the Board's findings, or any other person to whom particulars of an apportionment have been given in accordance with the last preceding subsection, or who establishes that he is entitled to an interest in land which is substantially affected by an apportionment included in the Board's findings, if he wishes to dispute the apportionment, to require the findings or, as the case may be, the apportionment to be referred to the Lands Tribunal;

(*b*) for enabling the applicant and, so far as the reference relates to an apportionment, every other such person as aforesaid to be heard by the Tribunal on any reference under this subsection; and

(*c*) for requiring the Tribunal, on any such reference, either to confirm or to vary the Board's findings or, as the case may be, the apportionment and to notify the parties of their decision.

(4) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

Payments to be made by Central Land Board.

14.—(1) Subject to the provisions of this section, where a person is entitled to a payment in accordance with the preceding provisions of this Part of this Act, the Central Land Board shall pay to that person the principal amount of the payment together with interest thereon at the rate of three and one-half per cent. per annum from the first day of July, nineteen hundred and forty-eight, to the date of payment:

Provided that if the payment is made after the thirtieth day of June, nineteen hundred and fifty-five, the interest shall be calculated to that day instead of the date of payment.

PART I —*cont.*

(2) Where apart from this subsection a person would be entitled to a payment in accordance with the preceding sections of this Part of this Act, the Central Land Board may set off against the principal amount of that payment—

(*a*) any sum which, at the time when (apart from this subsection) that payment would be due to be made, is owing to the Board by that person in respect of a development charge; and

(*b*) any sum which is then due to become payable by that person in the future in respect of a development charge,

or, where the aggregate of any such sums is greater than the principal amount of the payment, a part thereof equal to that principal amount; and the principal amount of the payment to be made to that person shall for the purposes of the preceding subsection be treated as reduced accordingly, or, if the sums or parts of sums set off are equal to the principal amount of the payment which would have been payable apart from this subsection, the right of that person to receive any payment under the preceding subsection shall be extinguished:

Provided that for the purposes of paragraph (*a*) or (*b*) of this subsection so much of any such sum therein mentioned as is attributable to interest shall be disregarded.

(3) Where the Board are satisfied that (apart from the last preceding subsection) a person would have been entitled to a payment in accordance with the preceding sections of this Part of this Act if he had applied for that payment within the period prescribed under the last preceding section, then, if that person has failed to apply for the payment within that period or within any extended period allowed under the last preceding section, the Board may determine the principal amount of the payment to which he would have been so entitled, and the last preceding subsection shall apply as if he had become so entitled to the payment and the principal amount thereof had been the principal amount determined under this subsection.

Effect of payments on claim holdings.

15.—(1) Subject to the provisions of this section, where in accordance with the provisions of this Part of this Act a payment becomes payable in respect of a claim holding, then, for the purposes of the following Parts of this Act—

(*a*) if the principal amount of the payment is not less than the value of the claim holding, the holding shall be deemed to have been extinguished immediately before the commencement of this Act;

(*b*) if the principal amount of the payment is less than the value of the claim holding, the value of the holding shall be deemed to have been reduced immediately

PART I —*cont.*

before the commencement of this Act by the principal amount of the payment:

Provided that if in the case of any claim holding a payment becomes payable under Case D, then, regardless of the amount of that payment, that holding shall for the purposes of the following Parts of this Act be deemed to have been extinguished immediately before the commencement of this Act.

(2) The preceding subsection shall apply where two or more payments under this Part of this Act are payable in respect of the same claim holding, with the substitution for references to the principal amount of the payment of references to the aggregate of the principal amounts of the payments.

(3) Where one or more acts or events have occurred whereby in accordance with the provisions of this Part of this Act one or more payments become payable in respect of a claim holding (in this section referred to as " the parent holding ") and any such act or event did not extend to the whole of the area of the parent holding, then, both for the purposes of the preceding provisions of this section and for the purposes of the following Parts of this Act—

(*a*) the parent holding shall be treated as having been divided immediately before the commencement of this Act into as many separate claim holdings, with such areas, as may be necessary to ensure that in the case of each holding either any such act or event as aforesaid extending to the area of that holding extended to the whole thereof or no such act or event extended to the area of that holding;

(*b*) the value of each of the separate holdings respectively shall be taken to be that fraction of the value of the parent holding which then attached to the part of the area of the parent holding constituting the area of the separate holding;

(*c*) the authority determining the amount of any such payment shall apportion that amount between the areas of the separate claim holdings to which the act or event in question extended in such manner as may appear to that authority proper, and the portion of that amount apportioned to the area of any separate claim holding shall be taken to be a payment payable under this Part of this Act in respect of that claim holding.

(4) For the purposes of this section—

(*a*) a payment shall be treated as having become payable notwithstanding that the right to receive the payment has been extinguished by subsection (2) of the last preceding section;

PART I —*cont.*

(*b*) any reduction of the principal amount of a payment by virtue of that subsection shall be disregarded;

(*c*) where in accordance with subsection (3) of the last preceding section the Central Land Board have determined the principal amount of a payment, as being a payment to which a person would have been entitled as mentioned in that subsection, that payment shall be treated as if it had become payable and as if the principal amount thereof had been the principal amount so determined.

PART II

COMPENSATION FOR REFUSAL, OR CONDITIONAL GRANT, OF PLANNING PERMISSION

Scope of Part II.

16.—(1) The provisions of this Part of this Act shall have effect for enabling compensation to be claimed in respect of planning decisions made after the commencement of this Act whereby permission for the carrying out of new development of land to which this section applies is refused or is granted subject to conditions.

(2) This section applies to any land in respect of which planning permission is refused, or is granted subject to conditions, by a planning decision if, at the time of the planning decision, that land, or part of that land, has an unexpended balance of established development value.

(3) Where, on an application for planning permission for the carrying out of new development of land to which this section applies, a planning decision is made after the commencement of this Act whereby that permission is granted (whether unconditionally or not), and the Minister certifies that he is satisfied that particular buildings or works to which the application related were only included therein because the applicant had reason to believe that permission for the other development to which the application related would not have been granted except subject to a condition requiring the erection or construction of those buildings or works, then, for the purposes of this Part of this Act—

(*a*) the application shall be deemed to have included, in place of those buildings or works, such other development of the land on which the buildings or works were to be erected or constructed as might reasonably have been expected to have been included having regard to the other development to which the application related; and

(*b*) the permission shall be deemed to have been granted for the other development to which the application related subject to the condition aforesaid.

PART II —*cont.*

(4) In this Act, the expression " planning decision " means a decision made on an application under Part III of the principal Act (which relates to the control of development), and includes any decision deemed to have been so made by virtue of section seventy-seven of the principal Act (which relates to development authorised under interim development orders before the commencement of that Act) or of section seventy-eight of that Act (which relates to unfinished buildings), or by virtue of any of paragraphs 1, 2 and 3 of the Tenth Schedule to that Act (which relate to certain applications made under the Town and Country Planning Act, 1932), or by virtue of any regulations made under paragraph 13 of the said Schedule (which relates to certain applications under the Restriction of Ribbon Development Act, 1935).

(5) In this Act, the expression " new development " means any development other than development of a class specified in the Third Schedule to the principal Act (which relates to development included in the existing use of land); and for the purposes of this Act new development 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 aforesaid.

Unexpended balance of established development value.

17.—(1) For the purposes of this Act land shall be taken to have an unexpended balance of established development value immediately after the commencement of this Act if there are then subsisting one or more claim holdings whose area consists of that land, or includes that land together with other land, and there is not then subsisting any claim holding whose area consists of part only of that land, whether with or without other land.

(2) Where subsection (1) of this section applies, there shall be attributed to the land referred to in that subsection—

(*a*) the value of any claim holding having an area consisting of that land; and

(*b*) such fraction of the value of any claim holding whose area includes that land as attaches to that land;

and the unexpended balance of established development value of that land immediately after the commencement of this Act (hereafter in this Act referred to in relation to that land as its " original unexpended balance of established development value ") shall be taken to have been an amount equal to eight-sevenths of the amount or aggregate amount so attributed.

PART II —*cont.*

Reduction or extinguishment of balance.

18.—(1) Where in accordance with the last preceding section land has an original unexpended balance of established development value, then, subject to the next following subsection, the land shall be taken to have that balance at any time after the commencement of this Act except in so far as that balance is by virtue of any provision of this Act to be treated as having been reduced or extinguished immediately before that time.

(2) Where any land taken as a whole has an original unexpended balance of established development value, but at any time after the commencement of this Act an act is done or an event occurs in relation to any area consisting of, or including, part only of that land in consequence of which, by virtue of any provision of this Act, an amount would fall to be deducted from the original unexpended balance of that part of that land for the purpose of determining the unexpended balance thereof at any subsequent time, then, without prejudice to the operation of the preceding subsection with respect to any part of the land taken separately, the land taken as a whole shall be treated as not having any such balance at that subsequent time.

(3) Where compensation under this Part of this Act becomes payable in respect of the depreciation of the value of an interest in land by a planning decision, then, for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time, the amount of the compensation shall be deducted from the original unexpended balance of established development value of that land and the original balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(4) Where any new development of land is initiated after the commencement of this Act, or was initiated before the commencement of this Act but on or after the first day of July, nineteen hundred and forty-eight, being land which has an original unexpended balance of established development value, then, for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time—

(*a*) if the development related only to that land, the value of that development (ascertained, with reference to that subsequent time, in accordance with the provisions of the Fourth Schedule to this Act); or

(*b*) if the development related to that land together with other land, so much of the value of that development (so ascertained) as was attributable to that land,

shall be deducted from the original unexpended balance of established development value of that land and the original

balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time:

Provided that this subsection shall not apply to any land in respect of any interest in which a payment under section fifty-nine of the principal Act has become or becomes payable; and for the purposes of this subsection development initiated before the commencement of this Act shall be disregarded if—

(i) a development charge was determined to be payable in respect thereof, or would have fallen to be so determined but for any exemption conferred by regulations under Part VII of the principal Act, or by any provision of Part VIII of that Act; or

(ii) it has been certified by the Central Land Board with respect to that development under subsection (3) of section fifty-eight of this Act that a development charge could have been determined to be payable in respect thereof if the circumstances referred to in paragraphs (*a*) and (*b*) of subsection (1) of that section had not existed.

(5) Where an act or event has occurred in relation to any land in consequence of which any of the provisions of this Act requires an amount to be deducted from the original unexpended balance of established development value of that land or any part thereof, there shall be attributed to the various parts of that land so much of that amount as might reasonably be expected to have been attributed thereto if the authority determining the amount had been required to apportion it between those parts in accordance with the same principles as applied to its determination; and where two or more such acts or events have occurred in relation to the same land, those provisions shall apply cumulatively and the requisite deduction from the original unexpended balance of established development value of that land shall be made by reference to each of those acts or events.

Right to compensation in respect of planning decisions.

19.—(1) Subject to the provisions of this Part of this Act, a person shall be entitled to compensation under this Part of this Act in respect of a planning decision such as is mentioned in subsection (1) of section sixteen of this Act if at the time of that decision he is entitled to an interest in any land to which the decision relates which has an unexpended balance of established development value, and the value of that interest, or, in the case of an interest extending to other land, the value of that interest in so far as it subsists in that land, is depreciated by the decision.

(2) Where an interest in land has (whether before or after the commencement of this Act) been compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers (not being statutory undertakers or the National Coal

PART II —*cont.*

Board), that authority, and any person deriving title from that authority under a disposition made by that authority on or at any time after the first day of July, nineteen hundred and forty-eight, shall not be entitled to compensation under this Part of this Act in respect of a planning decision made after the service of the notice to treat, or after the making of the contract of sale, as the case may be, by reason that the value of that interest, or of any interest created (whether immediately or derivatively) out of that interest, is depreciated by that decision.

(3) The last preceding subsection shall apply to land which has at any time on or after the first day of July, nineteen hundred and forty-eight (whether before or after the commencement of this Act) been appropriated by a local authority for a purpose for which the authority could have been authorised to acquire the land compulsorily as it applies to land in which an interest has been acquired as mentioned in that subsection, with the substitution for the reference to the service of the notice to treat of a reference to the appropriation.

(4) Where any land is at the date of commencement of this Act, or at any date thereafter becomes, operational land of any statutory undertakers or land of the National Coal Board of a class specified in regulations made under section ninety of the principal Act, the statutory undertakers or, as the case may be, the National Coal Board, and any person deriving title from those undertakers or that Board, shall not be entitled to compensation under this Part of this Act in respect of a planning decision made after the relevant date aforesaid by reason that the value of any interest in that land is depreciated by that decision.

(5) A person shall not be entitled to compensation under this Part of this Act in respect of depreciation of the value of an interest in land by a planning decision if he is entitled to compensation under subsection (3) of section twenty-two of the principal Act (which relates to planning decisions following upon the withdrawal of permission granted by a development order) in respect of depreciation of the value of that interest by that decision.

Compensation excluded in respect of certain matters.

20.—(1) Compensation under this Part of this Act shall not be payable—

(*a*) in respect of the refusal of permission for any development which consists of or includes the making of any material change in the use of any buildings or other land ; or

(*b*) in respect of any decision made on an application in pursuance of regulations under section thirty-one of the principal Act for consent to the display of advertisements.

(2) Compensation under this Part of this Act shall not be payable in respect of the imposition, on the granting of permission to develop land, of any condition relating to—

(*a*) the number or disposition of buildings on any land;

(*b*) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction;

(*c*) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land;

(*d*) the use of any buildings or other land; or

(*e*) the location or design of any means of access to a highway, or the materials to be used in the construction thereof,

or in respect of any condition subject to which permission is granted for the winning and working of minerals.

(3) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land if the reason or one of the reasons stated for the refusal is that development of the kind proposed would be premature by reference to either or both of the following matters, that is to say—

(*a*) the order of priority, if any, indicated in the development plan for the area in which the land is situated for development in that area;

(*b*) any existing deficiency in the provision of water supplies or sewerage services, and the period within which any such deficiency may reasonably be expected to be made good:

Provided that this subsection shall not apply if the planning decision refusing the permission is made on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason.

(4) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its liability to flooding or to subsidence.

(5) In subsection (3) of this section, the reference to the development plan for the area in which the land is situated is a reference to the development plan for that area as approved by the Minister or, if the plan so approved has been amended by the Minister, to that plan as so amended.

PART II —*cont.*

(6) For the purposes of this section, a planning decision whereby permission to develop land is granted subject to a condition prohibiting development of a specified part of that land shall be treated as a decision refusing the permission as respects that part of the land.

(7) In this section the expression " means of access to a highway " does not include a service road.

Compensation excluded if certain other development permitted.

21.—(1) Compensation under this Part of this Act shall not be payable in respect of a planning decision whereby permission is refused for the development of land if, notwithstanding that refusal, there is available with respect to that land planning permission for development to which this section applies:

Provided that where such permission is available with respect to part only of the land, this section shall have effect only in so far as the interest subsists in that part.

(2) Where a claim for compensation under this Part of this Act is made in respect of an interest in any land, planning permission for development to which this section applies shall be taken for the purposes of this section to be available with respect to that land or a part thereof if, immediately before the Minister gives notice of his findings in respect of that claim, there is in force with respect to that land or part a grant of, or an undertaking by the Minister to grant, planning permission for some such development, subject to no conditions other than such as are mentioned in subsection (2) of the last preceding section.

(3) This section applies to any development of a residential, commercial or industrial character, being development which consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof.

General provisions as to claims for compensation.

22.—(1) Compensation under this Part of this Act shall not be payable unless a claim for it is duly made in accordance with the provisions of this section.

(2) A claim for compensation under this Part of this Act shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates:

Provided that the Minister may in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making such a claim.

(3) Regulations made under this section may—

(*a*) require claims for compensation under this Part of this Act to be made in a form prescribed by the regulations;

PART II —*cont.*

(*b*) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interests of other persons therein which are known to the claimant, as may be so prescribed.

(4) Any claim for such compensation in respect of a planning decision shall be sent to the local planning authority; and it shall be the duty of that authority, as soon as may be after receipt of a claim, to transmit the claim to the Minister, and to furnish the Minister with—

(*a*) any evidence or other information provided by the claimant in accordance with regulations made under this section; and

(*b*) such other information (if any) as may be required by or under regulations under this section, being information appearing to the Minister to be relevant to the exercise of his powers under the next following section.

(5) Where a claim is transmitted to the Minister under the last preceding subsection—

(*a*) if it appears to the Minister that the development to which the planning decision related was not new development, or that at the time of the planning decision no part of the land to which the claim relates had an unexpended balance of established development value, or that compensation is excluded by either of the two last preceding sections, the Minister shall notify the claimant accordingly, stating on which of those grounds it appears to him that compensation is not payable, and inviting the claimant to withdraw the claim;

(*b*) unless the claim is withdrawn, the Minister shall give notice of the claim to every other person (if any) appearing to him to have an interest in the land to which the planning decision related.

Review of planning decisions where compensation claimed.

23.—(1) The provisions of this and the next following section shall have effect where a local planning authority has transmitted to the Minister, in accordance with the last preceding section, one or more claims for compensation in respect of a planning decision, and the claim, or (if there is more than one) one or more of the claims, has not been withdrawn.

(2) If, in the case of a planning decision of the local planning authority, it appears to the Minister that, if the application for permission to develop the land in question had been referred to him for determination, he would have made a decision more

PART II —*cont.*

favourable to the applicant, the Minister may give a direction substituting that decision for the decision of the local planning authority.

(3) If, in any case, it appears to the Minister that permission could properly be granted (either unconditionally or subject to certain conditions) for some development of the land in question other than the development to which the application for permission related, the Minister may give a direction that the provisions of the principal Act and of this Act shall have effect in relation to that application and to the planning decision—

(*a*) as if the application had included an application for permission for that other development and the decision had included the grant of permission (unconditionally or subject to the said conditions, as the case may be) for that development; or

(*b*) as if the decision had been a decision of the Minister and had included an undertaking to grant permission (unconditionally or subject to the said conditions, as the case may be) for that development,

as may be specified in the direction.

(4) The reference in subsection (2) of this section to a decision more favourable to the applicant shall be construed—

(*a*) in relation to a refusal of permission, as a reference to a decision granting the permission, either unconditionally or subject to conditions, and either as respects the whole or as respects part of the land to which the application for permission related; and

(*b*) in relation to a grant of permission subject to conditions, as a reference to a decision granting the permission applied for unconditionally or subject to less stringent conditions.

(5) In giving any directions under this section, the Minister shall have regard—

(*a*) to the provisions of the development plan for the area in which the land in question is situated; or

(*b*) where a development plan has not yet become operative with respect to that area, to any directions which he may have given to the local planning authority as to the provisions to be included in such a plan and to any other provisions which in his opinion will be required to be so included for securing the proper planning of that area,

so far as those provisions are material to the development of that land, and shall also have regard to the local circumstances affecting the proposed development, including the use which prevails generally in the case of contiguous or adjacent land, and to any other material considerations.

PART II —*cont.*

Supplementary provisions as to review of planning decisions.

24.—(1) Before giving a direction under the last preceding section, the Minister shall give notice in writing of his proposed direction to the local planning authority to whose decision that direction relates and to any person who made, and has not since withdrawn, a claim in respect of that decision, and, if so required by that authority or by any such person, shall afford to each of them an opportunity to appear before, and be heard by, a person appointed by the Minister for the purpose.

(2) Where the Minister gives a direction under the last preceding section, the Minister shall give notice of the direction to the authority to whose decision the direction relates and to every other person (if any) who made, and has not since withdrawn, a claim in respect of that decision; and where a notice under this subsection is given to a person who made such a claim, that person, if he does not withdraw the claim, may at any time within thirty days after the service on him of the Minister's notice under this subsection give notice to the Minister modifying the claim.

(3) Subject to any modification by virtue of a notice given by a claimant under the last preceding subsection, where the Minister gives a direction under the last preceding section in respect of a decision of a local planning authority, any claim made in respect of that decision shall have effect as if it had been made in respect of the decision which by virtue of the direction is substituted for the decision of the authority, or, as the case may be, as if it had been made in respect of the decision of the authority as modified by the direction.

General provisions as to amount of compensation.

25.—(1) Subject to the next following subsection, where a person is entitled to compensation under this Part of this Act in respect of the depreciation by a planning decision of the value of an interest in land to which the planning decision relates which at the time of that decision has an unexpended balance of established development value (in this section referred to as "qualified land"), the amount of the compensation shall be whichever is the less of the following amounts, that is to say—

(*a*) the amount by which the value of the interest, or, in the case of an interest extending to other land, the amount by which the value of the interest in so far as it subsists in qualified land, is depreciated by the decision; or

(*b*) the amount of the unexpended balance of established development value immediately before the decision of the qualified land in which the interest subsists:

Provided that if compensation is payable under this Part of this Act in respect of two or more interests in the same qualified land by reason of the same planning decision and the aggregate amount of compensation payable apart from this proviso in

PART II —*cont.*

respect of those interests exceeds the amount mentioned in paragraph (*b*) of this subsection, the amount so mentioned shall be allocated between those interests in proportion to the depreciation of the value of each of them respectively, and the amount of the compensation payable in respect of any of those interests shall be the sum so allocated to that interest.

(2) Where the land to which the planning decision relates, taken as a whole, does not satisfy the following conditions, that is to say—

(*a*) that the land is qualified land; and

(*b*) that every interest subsisting therein the value of which is depreciated by the decision subsists in the whole thereof,

then, for the purposes of assessing the compensation payable under this Part of this Act in respect of any interest subsisting in that land or any part thereof—

(i) the depreciation of the value of the interest by the planning decision shall first be ascertained with reference to the whole of the land to which the planning decision relates in which that interest subsists;

(ii) the land to which the planning decision relates in which that interest subsists shall then be treated as divided into as many parts as may be requisite to ensure that each such part consists of land which either satisfies the conditions aforesaid or is not qualified land; and

(iii) the depreciation of the value of the interest ascertained as aforesaid shall then be apportioned between the said parts according to the nature of those parts and the effect of the planning decision in relation to each of them,

and the amount of the compensation shall be the aggregate of the amounts which would be payable by virtue of the preceding subsection if the planning decision had been made separately with respect to each such part.

Measure of depreciation for assessing compensation.

26.—(1) Any question whether, or to what extent, the value of an interest in land, or of an interest in so far as it subsists in particular land, is depreciated by a planning decision shall, for the purposes of this Part of this Act, be determined in accordance with the provisions of this section; and in those provisions references to the relevant decision are references to the planning decision in relation to which the question arises.

(2) Subject to the next following subsection, the value in question shall be taken to be depreciated if, and to the extent to which, that value, calculated—

(*a*) as at the time of the relevant decision; but

PART II —*cont.*

(*b*) as affected by that decision, by any grant of planning permission made after that decision and in force immediately before the Minister gives notice of his findings on the claim for compensation in respect of that decision, and by any undertaking to grant planning permission so in force; and

(*c*) on the assumption that, after the relevant decision and apart from any such permission or undertaking as aforesaid, planning permission would be granted for development of any class specified in the Third Schedule to the principal Act but not for any other development,

falls short of what that value, calculated as aforesaid, would have been if the relevant decision had been a decision to the contrary effect.

(3) If compensation under this Part or Part V of this Act, or compensation for depreciation within the meaning of subsection (3) of section thirty-eight of this Act, has become, or becomes, payable in respect of another planning decision or in respect of an order to which the said section thirty-eight applies, being a planning decision or order made before the relevant decision in respect of, or of land which includes, the whole or part of the land to which the relevant decision relates, the calculation called for by the last preceding subsection shall be made on the assumption that that other planning decision was a decision to the contrary effect or, as the case may be, that that order was not made.

(4) In this section the expression "a decision to the contrary effect"—

(*a*) in relation to a decision refusing permission, means a decision granting the permission subject to such conditions (if any) of a description falling within subsection (2) of section twenty of this Act as the authority making the decision might reasonably have been expected to impose if the permission had not been refused;

(*b*) in relation to a decision granting permission subject to conditions, means a decision granting the permission applied for subject only to such of those conditions (if any) as fell within subsection (2) of the said section twenty.

Determination of claims for compensation.

27.—(1) Provision shall be made by regulations under this section—

(*a*) for requiring claims for compensation under this Part of this Act to be determined by the Minister in such manner as may be prescribed by the regulations;

PART II —*cont.*

(*b*) for regulating the practice and procedure to be followed in connection with the determination of such claims;

(*c*) for requiring the Minister, on determining any such claim, to give notice of his findings to the claimant and to every other person (if any) who has made a claim for compensation under this Part of this Act in respect of the same planning decision, and, if his findings include an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land which it appears to the Minister is substantially affected by the apportionment.

(2) Subject to the next following subsection, provision shall be made by regulations under this section—

(*a*) for enabling the claimant or any other person to whom notice of the Minister's findings has been given in accordance with the preceding subsection, if he wishes to dispute the findings, and any other person to whom particulars of an apportionment included in those findings have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require the findings or, as the case may be, the apportionment to be referred to the Lands Tribunal;

(*b*) for enabling the claimant and every other person to whom notice of any findings or, as the case may be, apportionment has been given as aforesaid to be heard by the Tribunal on any reference under this subsection of those findings or, as the case may be, that apportionment; and

(*c*) for requiring the Tribunal, on any such reference, either to confirm or to vary the Minister's findings or, as the case may be, the apportionment and to notify the parties of the decision of the Tribunal.

(3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

(4) Where compensation is determined under this section to be payable, the Minister shall pay the compensation to the person entitled thereto in accordance with the preceding provisions of this Part of this Act.

PART II —*cont.*

Apportionment and registration of compensation.

28.—(1) Where, on a claim for compensation under this Part of this Act in respect of a planning decision, the Minister determines that compensation is payable and that the amount of the compensation exceeds twenty pounds, the Minister shall (if it appears to him to be practicable to do so) apportion the amount of the compensation between different parts of the land to which the claim for compensation relates, and shall include particulars of the apportionment in the notice of his findings under the last preceding section.

(2) In carrying out an apportionment under the preceding subsection the Minister shall divide the land into parts, and shall distribute the compensation between those parts, according to the way in which different parts of the land appear to him to be differently affected by the planning decision.

(3) On a reference to the Lands Tribunal under the last preceding section, unless the decision of the Tribunal will not affect the amount of the compensation or any apportionment thereof by the Minister, the preceding provisions of this section shall apply with the substitution for references to the Minister of references to the Lands Tribunal.

(4) Where, on a claim for compensation under this Part of this Act in respect of a planning decision, compensation has become payable of an amount exceeding twenty pounds, the Minister shall cause notice of that fact, specifying the planning decision and the land to which the claim for compensation relates, and the amount of the compensation and any apportionment thereof under this section, to be deposited with the council of the county borough or county district in which the land is situated and, if that council is not the local planning authority, with the local planning authority.

(5) Notices deposited under this section shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.

(6) In relation to compensation specified in a notice registered under this section, references in this Part of this Act to so much of the compensation as is attributable to a part of the land to which the notice relates shall be construed in accordance with the following provisions, that is to say—

(*a*) if the notice does not include an apportionment under the preceding provisions of this section, the amount of the compensation shall be treated as distributed rateably according to area over the land to which the notice relates;

PART II —*cont.*

(*b*) if the notice includes such an apportionment, the compensation shall be treated as distributed in accordance with that apportionment as between the different parts of the land by reference to which the apportionment is made; and so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part of the land.

Recovery of compensation on subsequent development.

29.—(1) No person shall carry out any new development to which this section applies, on land in respect of which a notice (in this section referred to as a " compensation notice ") is registered under the last preceding section, until such amount (if any) as is recoverable under this section in respect of the compensation specified in the notice has been paid or secured to the satisfaction of the Minister.

(2) This section applies to any new development—

(*a*) to which section twenty-one of this Act applies; or

(*b*) which consists in the winning and working of minerals; or

(*c*) to which, having regard to the probable value of the development, it is in the opinion of the Minister reasonable that this section should apply:

Provided that—

(i) this section shall not apply to any development by virtue of paragraph (*c*) of this subsection if, on an application made to him for the purpose, the Minister has certified that, having regard to the probable value of the development, it is not in his opinion reasonable that this section should apply thereto; and

(ii) in a case where the compensation specified in the notice became payable in respect of the imposition of conditions on the granting of permission to develop land, this section shall not apply to the development for which that permission was granted.

(3) Subject to the three next following subsections, the amount recoverable under this section in respect of the compensation specified in a compensation notice—

(*a*) if the land on which the development is to be carried out (in this subsection referred to as " the development area ") is identical with, or includes (with other land) the whole of, the land comprised in the compensation notice, shall be the amount of compensation specified in that notice;

(*b*) if the development area forms part of the land comprised in the compensation notice, or includes part of that land together with other land not comprised in that notice, shall be so much of the amount of compensation specified in that notice as is attributable to land comprised in that notice and falling within the development area.

(4) Where, in the case of any land in respect of which a compensation notice has been registered, the Minister is satisfied that, having regard to the probable value of any proper development of that land, no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or part of any amount otherwise recoverable under this section; and where part only of any such amount has been remitted, he shall cause the compensation notice to be amended by substituting therein for the statement of the amount of the compensation, in so far as it is attributable to that land, a statement of the amount which has been remitted under this subsection.

(5) Where, in connection with the development of any land, an amount becomes recoverable under this section in respect of the compensation specified in a compensation notice, then, except where, and to the extent that, payment of that amount has been remitted under the last preceding subsection, no amount shall be recoverable under this section in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.

(6) No amount shall be recoverable under this section in respect of any compensation by reference to which a sum has become recoverable by the Minister under subsection (6) of section fifty-two of this Act or under that subsection as applied by regulations made under subsection (8) of that section.

(7) An amount recoverable under this section in respect of any compensation shall be payable to the Minister, and—

(*a*) shall be so payable either as a single capital payment or as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Minister may direct, after taking into account any representations made by the person by whom the development is to be carried out; and

(*b*) except where the amount is payable as a single capital payment, shall be secured by that person in such manner (whether by mortgage, covenant or otherwise) as the Minister may direct.

PART II —*cont.*

(8) If any person initiates any new development to which this section applies in contravention of subsection (1) of this section, the Minister may serve a notice upon him, specifying the amount appearing to the Minister to be the amount recoverable under this section in respect of the compensation in question, and requiring him to pay that amount to the Minister within such period, not being less than three months after the service of the notice, as may be specified in the notice.

(9) Where an amount becomes recoverable under this section in respect of the compensation specified in a compensation notice, then, for the purpose of determining any question as to the unexpended balance of established development value of any land at any subsequent time, except where, and to the extent that, payment of that amount has been remitted under subsection (4) of this section, so much (if any) of that compensation as is attributable to that land shall be treated as not having become payable and accordingly (notwithstanding anything contained in subsection (3) of section eighteen of this Act) shall not be deducted from that balance.

PART III

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

Application of Part III.

30.—(1) This Part of this Act applies to every compulsory acquisition of an interest in land, in pursuance of a notice to treat served after the commencement of this Act, by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, or by a person or body of persons to whom the said Act of 1919 applies as it applies to such a department or authority.

(2) In this Part of this Act, in relation to a compulsory acquisition, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" the relevant interest " means the interest acquired ;

" the relevant land " means the land in which the relevant interest subsists ;

" the notice to treat " means the notice to treat in pursuance of which the relevant interest is acquired ;

" excepted interest " means the interest of any such person as is mentioned in section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which relates to persons having no greater interest than as tenant for a year or from year to year).

PART III —*cont.*

Compensation to include unexpended balance of established development value.

31.—(1) Where, in the case of a compulsory acquisition to which this Part of this Act applies, compensation on the basis of existing use is payable in respect of the acquisition of the relevant interest, and any of the relevant land has an unexpended balance of established development value at the time immediately before the service of the notice to treat, then, subject to section thirty-three of this Act, there shall be added to the compensation payable in respect of the acquisition of the relevant interest apart from the provisions of this section—

(*a*) where the relevant interest is the only interest (other than excepted interests) subsisting at that time in any of the relevant land which has such a balance, an amount equal to that balance at that time less, in a case when the relevant interest is subject to a rent-charge, any rental liability of that interest within the meaning of the Fifth Schedule to this Act; or

(*b*) where the relevant interest is one of two or more interests (other than excepted interests) so subsisting, an amount equal to so much of that balance at that time as is ascertained in accordance with the provisions of the said Fifth Schedule to be attributable to the relevant interest:

Provided that no payment shall be made by virtue of this section if the relevant interest is a tenancy granted on such terms that, immediately before the service of the notice to treat, the person entitled to that interest is prohibited from carrying out any new development of the relevant land.

(2) Regulations made under this section shall provide for requiring persons entitled to interests in the relevant land, other than the relevant interest and any excepted interest, to be notified in cases where it is proposed, by virtue of this section, to pay compensation in excess of compensation on the basis of existing use, and for enabling such persons, in case of dispute as to the application of this section, to require the dispute to be referred to the Lands Tribunal for determination by that Tribunal.

Additional compensation for works.

32.—(1) The provisions of this section shall have effect as respects a compulsory acquisition to which this Part of this Act applies where compensation on the basis of existing use is payable in respect of the acquisition of the relevant interest and, on or after the first day of July, nineteen hundred and forty-eight, but before the date of service of the notice to treat, buildings have been erected or works constructed in accordance with planning permission, either on the relevant land, or on other land, or partly in the one way and partly in the other, at the expense of a person who, at a time when the buildings

PART III —*cont.*

or works were erected or constructed, was entitled to an interest in the relevant land or some part thereof:

Provided that this section shall not apply—

(*a*) if the operation of subsection (4) of section fifty-one of the principal Act (which provides, with certain exceptions, for disregarding planning permission granted before the date of the notice to treat) is excluded in respect of that permission by virtue of the exception contained in paragraph (*a*) of that subsection or by virtue of any provision of this Act; or

(*b*) if the compensation on the basis of existing use payable in respect of the acquisition would be the same whether or not the said subsection (4) operated;

and where, if the notice to treat had extended to a part only of the relevant land, the amount of the compensation on the basis of existing use payable in respect of the relevant interest in so far as it subsisted in that part would have been the same whether or not the said subsection (4) operated, this section shall have effect as respects the acquisition of the relevant interest as if the notice to treat had extended only to the remainder of the relevant land.

(2) If the value of the relevant interest immediately before the service of the notice to treat, with the benefit of any planning permission having effect at that time, is greater than it would have been at that time with the benefit of such permission if the buildings or works had not been erected or constructed, there shall be added to the compensation payable in respect of the acquisition of the relevant interest apart from the provisions of this section a sum equal to the amount of the difference.

(3) Where the last preceding subsection applies, then, in calculating the compensation on the basis of existing use which is payable in respect of the acquisition, it shall be ascertained whether that compensation is less than it would have been, or greater than it would have been, if the buildings or works had not been erected or constructed, and if so—

(*a*) the amount of the deficiency, or of the excess, as the case may be, shall be computed; and

(*b*) the sum referred to in the last preceding subsection shall be increased by the amount of the deficiency, or reduced by the amount of the excess, as the case may be.

Protection for purchaser of interest subsequently acquired compulsorily.

33.—(1) It shall be the duty of the council of a county borough or county district, on application made to them in writing by any person with respect to particular land in the borough or district, to serve on the applicant, within a period of twenty-eight days from the date of the receipt of the application, a

PART III —*cont.*

notice stating whether or not the council propose to acquire within the next five years (whether compulsorily or otherwise) any interest in that land or in any part thereof, or have been notified by any public authority possessing compulsory purchase powers of a proposal of that authority so to acquire any such interest, specifying in the notice—

(*a*) any such public authority by whom the council have been so notified; and

(*b*) any part of that land to which any such proposal of the council or other authority does not extend.

(2) If—

(*a*) the council of a county borough or county district have, in accordance with the preceding subsection, given notice to a person that the council do not propose, and have not been notified of any proposal of another authority, to acquire within the next five years any interest in any land specified in the notice (in this subsection referred to as "the specified land"), being the whole or part of the land to which the application related; and

(*b*) the person to whom the notice was given has within three months of the service of the notice completed, or entered into a bona fide contract for, the purchase of an interest in the specified land or any part thereof and given notice of the completion or, as the case may be, of the making of the contract to the said council; and

(*c*) that interest, or that interest in so far as it subsists in any part of that land, is subsequently acquired compulsorily, and the first notice required to be published or served in connection with that acquisition, either by an Act or by any Standing Order of either House of Parliament relating to petitions for private bills, is published or served in accordance with that Act or Order before the end of the period of five years beginning with the date of service of the notice referred to in paragraph (*a*) of this subsection,

then, for the purpose of assessing the compensation payable in respect of the acquisition of that interest, subsection (4) of section fifty-one of the principal Act shall not apply to any planning permission in force at the date of service of the notice referred to in paragraph (*a*) of this subsection:

Provided that—

(i) if at the date of the publication or service of the first notice in connection with the acquisition such as is referred to in paragraph (*c*) of this subsection, the

PART III —*cont.*

purchase mentioned in paragraph (*b*) thereof has not been completed, this subsection shall not have effect unless the contract mentioned in the said paragraph (*b*) remains in force at that date;

(ii) this subsection shall not have effect in relation to a purchase by a company from an associated company within the meaning of section forty-seven of this Act.

(3) If, in the case of an application under subsection (1) of this section, at the expiration of the period mentioned in that subsection the council have not served the notice required thereby, then, for the purposes of subsection (2) of this section, the council shall be deemed to have duly served on the applicant at the expiration of the said period such a notice as is mentioned in paragraph (*a*) of the said subsection (2) with respect to the whole of the land to which the application related.

(4) Without prejudice to the duty imposed by subsection (1) of this section on a council to whom an application under that subsection has been made, the council may require the applicant to pay to them a fee of five shillings.

(5) Section thirty-one of this Act shall not apply for the purpose of assessing any compensation to the assessment of which subsection (2) of this section applies:

Provided that if the compensation payable in respect of the acquisition of the relevant interest would, apart from this proviso, be less than it would have been if this section had not been enacted, the said subsection (2) shall not apply in the case of that acquisition.

Compensation to take account of planning permission in certain other cases.

34.—(1) For the purposes of a compulsory acquisition to which this Part of this Act applies, subsection (4) of section fifty-one of the principal Act shall not apply to any planning permission granted—

(*a*) for any development of land of a class specified in the Sixth Schedule to this Act; or

(*b*) for any development specified in a certificate issued under section eighty of the principal Act (which relates to land ripe for development before the first day of July, nineteen hundred and forty-eight),

or to any planning permission deemed to be granted by virtue of section seventy-eight of the principal Act (which relates to unfinished buildings).

(2) Paragraph (*b*) of subsection (4) of the said section fifty-one (which provides certain exceptions from that subsection by reference to exemptions from development charges), and so much of subsection (1) of section three of the Act of 1953 as relates to the exceptions comprised in that paragraph, shall not apply for the purposes of any compulsory acquisition to which this Part of this Act applies.

PART III —*cont.*

Additional payments in cases where no claim for development value has been established.

35.—(1) If, in the case of a compulsory acquisition to which this Part of this Act applies, the appropriate authority is satisfied that the relevant land or some part thereof does not constitute or form part of the claim area of any established claim, but that a claim or claims in respect of one or more interests in that land, or, as the case may be, in that part thereof, would have been established if made, there shall be issued by or on behalf of the Treasury a certificate specifying—

(*a*) whether or not, in the opinion of the person signing the certificate, section thirty-one of this Act would have applied to the compulsory acquisition if the claim or claims aforesaid had been established; and

(*b*) if so, what in that person's opinion, after giving the person entitled to the relevant interest an opportunity to present his case, would have been the amount of the additional compensation calculated by reference to the unexpended balance of established development value of that land or that part thereof which would have been payable under that section in respect of the acquisition of the relevant interest.

(2) Where an amount has been specified as aforesaid that amount shall be added to the compensation payable in respect of the acquisition of the relevant interest apart from the provisions of this section:

Provided that if, after taking into account all the circumstances, the appropriate authority is of opinion that it is not just and reasonable that the whole of that amount should be so added or, as the case may be, that any amount should be so added, the said authority may direct that such lesser amount as he may specify shall be so added or, as the case may be, that no addition to the compensation aforesaid shall be made.

(3) In this section, the expression " the appropriate authority " means—

(*a*) where the compulsory acquisition of the relevant interest by the acquiring authority requires authorisation by a single other authority, that other authority; or

(*b*) where the acquiring authority is a government department and the compulsory acquisition does not require the authorisation of any other authority, the acquiring authority; or

(*c*) in any other case, the Treasury or such other authority as the Treasury may in any case or class of cases direct.

Compensation for severance, injurious affection and disturbance.

36.—(1) In connection with a compulsory acquisition to which this Part of this Act applies—

(*a*) any compensation in respect of an interest in land for damage sustained by reason that the relevant land is severed from other land held therewith, or that any

PART III —*cont.*

other land (whether held with the relevant land or not) is injuriously affected, shall be assessed in accordance with subsections (2) to (7) of this section;

(*b*) any compensation for disturbance shall not be assessed at a greater amount than that at which it would have fallen to be assessed if Part V of the principal Act and the preceding provisions of this Part of this Act had not been enacted.

(2) In the subsequent provisions of this section, the following expressions have the following meanings respectively—

"the compensation" means compensation such as is mentioned in paragraph (*a*) of the preceding subsection;

"the interest affected" means the interest in respect of which the compensation falls to be assessed, in so far as that interest subsists in land, other than the relevant land, which is affected by the injurious act or event;

"the land affected" means the land in which the interest affected subsists;

"the injurious act or event" means the act or event in consequence of which the compensation falls to be assessed;

"other interest affected" means an interest other than the interest affected which subsists in the whole or part of the land affected and in respect of which compensation such as is mentioned in paragraph (*a*) of the preceding subsection is payable by virtue of the injurious act or event;

"qualified land" means land which immediately before the injurious act or event has an unexpended balance of established development value;

"the loss of development value" means the amount, if any, by which the value of the interest affected immediately before the injurious act or event, if calculated on the assumption that, until such time as the land affected might reasonably be expected to become ripe for new development, no use whatever could be made of that land, would exceed the value of that interest immediately after that act or event if calculated on the like assumption;

"the loss of immediate value" means the amount, if any, by which the difference in the value of the interest affected immediately before and immediately after the injurious act or event exceeds the loss of development value.

(3) If neither the land affected taken as a whole nor any part thereof is qualified land, the amount of the compensation shall be the loss of immediate value.

(4) If the land affected taken as a whole satisfies the following conditions, that is to say—

(*a*) that it is qualified land ; and

(*b*) that no other interest affected subsists in a part only thereof,

the amount of the compensation shall be the aggregate of the loss of immediate value and whichever is the less of the following amounts, that is to say—

(i) the loss of development value ; or

(ii) the amount of the unexpended balance of established development value of the land affected immediately before the injurious act or event:

Provided that if one or more other interests affected subsist in the whole of the land affected, and the aggregate of the loss of development value of the interest affected and of any such other interest or interests exceeds the amount mentioned in paragraph (ii) of this subsection, that amount shall be allocated between the interest affected and any such other interest or interests in proportion to the loss of development value of each of them respectively, and the amount of compensation payable in respect of the interest affected in addition to the loss of immediate value shall be the sum so allocated to that interest.

(5) If the land affected, taken as a whole, does not satisfy the conditions mentioned in the last preceding subsection, then, for the purpose of assessing the compensation in respect of the interest affected—

(*a*) the loss of development value of the interest affected and of any other interest affected shall first be ascertained with reference to the whole of the land affected in which the interest in question subsists ;

(*b*) the land affected shall then be treated as divided into as many parts as may be requisite to ensure that each such part consists of land which either satisfies the conditions aforesaid or is not qualified land ; and

(*c*) the loss of development value of each of the interests aforesaid, ascertained as aforesaid, shall then be apportioned between the said parts according to the nature of those parts and the effect of the injurious act or event in relation to each of them,

and the compensation payable in respect of the interest affected in addition to the loss of immediate value shall be the aggregate of the amounts which would be so payable by virtue of the last preceding subsection if each such part had been the whole of the land affected.

PART III —*cont.*

(6) If in any case the amount of the compensation attributable to the loss of immediate value is less than the depreciation in restricted value of the interest affected, subsection (3) of the next following section shall have effect with respect to the amount of the difference.

In this subsection, the expression "the depreciation in restricted value" means the amount, if any, by which the value of the interest affected, immediately after the injurious act or event, would be less than the value of that interest immediately before that act or event if both values were calculated on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to the principal Act but would not be granted for any other development.

(7) In calculating value for any of the purposes of this section in its application to compensation for damage to land not held with the relevant land, being damage sustained by reason of the construction or erection of works on the relevant land, no account shall be taken of the use, or the prospective use, of those works.

Effect of Part III on unexpended balance of established development value

37.—(1) Where, in the case of—

(*a*) a compulsory acquisition to which this Part of this Act applies; or

(*b*) a sale of an interest in land by agreement in pursuance of a contract made after the commencement of this Act to a public authority possessing compulsory purchase powers, being such a department, authority, person or body of persons as is mentioned in subsection (1) of section thirty of this Act,

any of the land in which the interest acquired or sold subsisted had an unexpended balance of established development value immediately before the relevant date (in this subsection referred to as "the relevant balance"), then, in determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time—

(i) for the purposes of section thirty-one of this Act and, unless immediately after the acquisition or sale there is outstanding some interest (other than an excepted interest) in that land to which some person other than the acquiring authority is entitled, for all other purposes of this Act, the original unexpended balance of established development value of that land shall be treated as having been extinguished immediately before that subsequent time;

PART III —*cont.*

(ii) if, immediately after the acquisition or sale, there is outstanding any such interest as aforesaid, then for the purposes of any other Part of this Act there shall be deducted from the said original balance an amount equal to any part of the relevant balance which is not, or which in the appropriate circumstances would not have been, attributable for the purposes of the said section thirty-one to any such outstanding interest, and the original balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time:

Provided that in the event of a subsequent compulsory acquisition of any such outstanding interest, being a compulsory acquisition to which this Part of this Act applies, the said section thirty-one shall have effect for the purposes of assessing the compensation payable as if this subsection had not been enacted.

(2) Where—

(*a*) in connection with a compulsory acquisition to which this Part of this Act applies an amount by way of compensation such as is mentioned in paragraph (*a*) of subsection (1) of the last preceding section was paid in respect of an interest in any land other than the relevant land; or

(*b*) on such a sale as is mentioned in paragraph (*b*) of the preceding subsection, the price paid included an amount in respect of damage sustained by an interest in land other than, but held with, the land in which the interest sold subsisted, being damage sustained by reason of the severance of the land or by reason that the interest in that other land was injuriously affected,

and the said amount exceeds what was, or in the appropriate circumstances would have been, the loss of immediate value of that interest as defined in the last preceding section, then, for the purpose of determining whether that other land or any part thereof has an unexpended balance of established development value at any subsequent time, there shall be deducted from the original unexpended balance of established development value of that other land an amount equal to the excess, or so much thereof as was, or in the appropriate circumstances would have been, calculated by reference to that balance, and the original balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(3) If in a case such as is mentioned in paragraph (*a*) or (*b*) of the last preceding subsection so much, if any, of the amount mentioned in that paragraph as was, or in the appropriate

PART III —*cont.*

circumstances would have been, attributable to the loss of immediate value of the interest in question was or would have been less than the depreciation in restricted value of that interest within the meaning of subsection (6) of the last preceding section, then (whether or not the land in question or any part thereof would apart from the provisions of this subsection have had an original unexpended balance of established development value) for the purpose of determining whether at any time after the acquisition or sale the land in question or any part thereof has such a balance, but for no other purpose, it shall be deemed that immediately after the commencement of this Act a claim holding subsisted with an area consisting of the land in question and a value equal to seven-eighths of the amount of the difference.

(4) In this section the expression " in the appropriate circumstances " means if the compulsory acquisition or the sale had been a compulsory acquisition in respect of which the said section thirty-one operated, and the expression " the relevant date " means the date of the service of the notice to treat or, as the case may be, the date of the making of the contract.

PART IV

COMPENSATION FOR REVOCATION OR MODIFICATION OF PLANNING PERMISSION

Amendment of s. 22 of principal Act.

38.—(1) In relation to orders to which this section applies subsection (1) of section twenty-two of the principal Act (which confers a right to compensation in respect of orders revoking or modifying planning permission) shall have effect as if the proviso to that subsection (which, with certain exceptions, precludes compensation in respect of the depreciation in value of an interest in land) were omitted.

(2) This section applies to any order made after the commencement of this Act under section twenty-one of the principal Act (which empowers local planning authorities to make orders revoking or modifying planning permission previously granted).

(3) In this Act references to compensation to which this Part of this Act applies are references to compensation payable under subsection (1) of section twenty-two of the principal Act in consequence of an order to which this section applies, and in this Part of this Act the expression " compensation for depreciation " means so much of any compensation to which this Part of this Act applies as is payable in respect of loss or damage consisting of the depreciation in value of an interest in land.

(4) The provisions of this Part of this Act shall have effect in relation to the provisions of subsection (1) of the said section twenty-two as applied by subsection (3) of that section (which

PART IV —*cont.*

relates to planning decisions following upon the withdrawal of permission granted by a development order) as they have effect in relation to the said subsection (1) apart from the said subsection (3):

Provided that, for the purposes of the application of the provisions of this Part of this Act in accordance with the preceding provisions of this subsection, references to an order under section twenty-one of the principal Act shall be construed as references to the planning decision whereby the permission in question is refused, or is granted subject to such conditions as are mentioned in the said subsection (3).

Registration and apportionment of compensation for depreciation.

39.—(1) Where compensation to which this Part of this Act applies becomes payable and includes compensation for depreciation of an amount exceeding twenty pounds, the local planning authority shall (if it appears to them to be practicable to do so) apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates and give particulars of any such apportionment to the claimant and to every other person (if any) entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.

(2) In carrying out an apportionment under the preceding subsection, the local planning authority shall divide the land into parts, and shall distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order in consequence of which the compensation is payable.

(3) Subsection (2) of section twenty-seven of this Act, and any regulations made by virtue thereof, shall have effect with respect to any such apportionment, subject to any necessary modifications, as they have effect with respect to an apportionment under subsection (1) of section twenty-eight of this Act; and on a reference to the Lands Tribunal by virtue of this subsection, subsections (1) and (2) of this section, so far as they relate to the making of an apportionment, shall apply with the substitution for references to the local planning authority of references to the Lands Tribunal.

(4) Where compensation to which this Part of this Act applies becomes payable and includes compensation for depreciation exceeding twenty pounds, the local planning authority shall give notice thereof to the Minister, specifying the amount of the compensation for depreciation and any apportionment thereof under this section, and subsections (4) to (6) of section twenty-eight of this Act shall have effect with respect thereto as they have effect with respect to compensation

PART IV —*cont*

under Part II of this Act, subject, however, to any necessary modifications, and, in particular, with the substitution—

(*a*) for references to the compensation mentioned in that section of references to the compensation for depreciation specified in the notice; and

(*b*) for references to the planning decision of references to the order under section twenty-one of the principal Act in consequence of which the compensation is payable.

Exchequer contribution towards compensation in certain cases.

40.—(1) Where a notice under the last preceding section is given to the Minister in consequence of the making of an order under section twenty-one of the principal Act, and the circumstances are such that, if the permission revoked or modified by the order had been refused, or, as the case may be, had been granted as so modified, at the time when it was granted, compensation under Part II or Part V of this Act could have been claimed and would have been payable by the Minister, the Minister may, subject to the provisions of this section, pay to the local planning authority a contribution of the amount appearing to him to be the amount of compensation which would have been payable by him as aforesaid under the said Part II or Part V:

Provided that the amount of any such contribution shall not exceed—

(*a*) the amount of the compensation for depreciation paid by the local planning authority; or

(*b*) the unexpended balance of established development value at the date of the making of the order of the land in respect of which that compensation was paid.

(2) Regulations made under this section shall provide, as respects cases where the Minister proposes to pay a contribution under this section—

(*a*) for requiring the Minister to give notice of his proposal to persons entitled to such interests as may be prescribed in the land to which the proposal relates, and to such other persons (if any) as may be determined in accordance with the regulations to be affected by the proposal;

(*b*) for enabling persons to whom notice of the proposal is given to object to the proposal, on the grounds that compensation would not have been payable as mentioned in the preceding subsection, or that the amount of the compensation so payable would have been less than the amount of the proposed contribution;

PART IV —*cont.*

(*c*) for enabling any person making such an objection to require the matter in dispute to be referred to the Lands Tribunal for determination; and

(*d*) where a contribution under this section is paid, for applying with any necessary modifications the provisions of Part II of this Act as to the reduction or extinguishment of the unexpended balance of established development value of land as if the contribution had been a payment of compensation under Part II of this Act.

Recovery, on subsequent development, of compensation under s. 22 of principal Act.

41.—(1) Subsections (1) to (8) of section twenty-nine of this Act shall have effect in relation to notices registered under the provisions of section twenty-eight of this Act as applied by the preceding provisions of this Part of this Act as they have effect in relation to notices registered under the said section twenty-eight:

Provided that, in a case where the compensation to which this Part of this Act applies specified in such a notice became payable in respect of an order modifying planning permission, the said section twenty-nine shall not apply to development in accordance with that permission as modified by the order.

(2) Subject to the next following subsection, any sum recovered by the Minister under the said section twenty-nine as applied by the preceding subsection shall be paid to the local planning authority who paid the compensation for depreciation to which that sum relates.

(3) In paying any such sum to the local planning authority, the Minister shall deduct therefrom—

(*a*) the amount of any contribution paid by him under the last preceding section in respect of the compensation to which the sum relates;

(*b*) the amount of any grant paid by him under Part IX of the principal Act in respect of that compensation:

Provided that, if the sum recovered by the Minister is an instalment of the total sum recoverable, or is recovered by reference to development of part of the land in respect of which the compensation was payable, any deduction to be made under paragraph (*a*) or paragraph (*b*) of this subsection shall be a deduction of such amount as the Minister may determine to be the proper proportion of the amount referred to in that paragraph.

PART V

COMPENSATION FOR PAST PLANNING DECISIONS AND PAST ORDERS REVOKING OR MODIFYING PLANNING PERMISSION

Scope of Part V.

42.—(1) The provisions of this Part of this Act shall have effect for enabling compensation to be claimed in respect—

(*a*) of planning decisions made before the commencement of this Act whereby permission for the carrying out of new development of land to which this section applies was refused, or was granted subject to conditions;

(*b*) of orders made before the commencement of this Act under section twenty-one of the principal Act whereby permission for the carrying out of new development of land to which this section applies was revoked or modified.

(2) This section applies to any land to which the planning decision or order related which satisfies the following conditions, that is to say—

(*a*) that at the time of the planning decision or order in question the land constituted the area, or part of the area, of a claim holding; and

(*b*) that the claim holding referred to in the preceding paragraph, or, where by virtue of any provision of this Act two or more separate claim holdings have been constituted thereout, one or more of those separate holdings whose area consisted of or included that land, was still subsisting at the commencement of this Act;

and in this Part of this Act, in relation to a claim for compensation in respect of any such claim holding so subsisting as aforesaid, any such land is referred to as "qualified land" and the claim holding is referred to as "the relevant holding".

(3) Subsection (3) of section sixteen of this Act shall have effect for the purposes of this Part of this Act as it has effect for the purposes of Part II of this Act, with the substitution for the reference to a planning decision made after the commencement of this Act of a reference to a planning decision made before the commencement of this Act.

Right to compensation in respect of past planning decisions, or past revocations, etc. of planning permission.

43.—(1) Subject to the provisions of this Part of this Act, the holder of the relevant holding shall be entitled to compensation under this Part of this Act in respect of such a planning decision or order as is mentioned in the last preceding section if—

(*a*) he is entitled to an interest in any qualified land; or

(*b*) having been entitled to an interest in any qualified land at the date of the decision or order, he sold that interest (otherwise than to a public authority possessing compulsory purchase powers) in pursuance of a contract

made after that date and during the period beginning with the eighteenth day of November, nineteen hundred and fifty-two, and ending immediately before the commencement of this Act,

and the value of that interest or of another interest which has merged therein or, in the case of an interest extending to other land, the value of that or of that other interest in so far as it subsisted in that qualified land, was depreciated by the decision or order:

Provided that compensation shall not be payable under this Part of this Act in respect of an order under section twenty-one of the principal Act so far as it relates to any particular land if—

(i) compensation in respect of that order is or was payable by the local planning authority under section twenty-two of that Act; and

(ii) by virtue of paragraph (*b*) of the proviso to subsection (1) of the said section twenty-two (which relates to development exempt from development charge by virtue of Part VIII of that Act) the compensation includes or included compensation in respect of loss or damage consisting of the depreciation in value of an interest in that land.

(2) A person who is entitled to the relevant holding as mortgagee shall be entitled to such compensation as aforesaid, notwithstanding that he does not satisfy the conditions set out in paragraphs (*a*) and (*b*) of the preceding subsection, if the mortgagor would have been entitled to such compensation if he had continued to be the holder of the relevant holding.

(3) For the purposes of this Part of this Act any question whether, or to what extent, the value of an interest in land or of an interest in so far as it subsisted in qualified land was depreciated by a planning decision shall be determined in accordance with the provisions of section twenty-six of this Act:

Provided that those provisions shall apply for the purposes of this Part of this Act—

(*a*) as if the reference in subsection (1) of the said section twenty-six to Part II of this Act were a reference to this Part of this Act; and

(*b*) as if Part VII of the principal Act had not been enacted,

and in the application of subsection (2) of the said section twenty-six in a case to which paragraph (*b*) of subsection (1) of this section applies, no account shall be taken of any grant of, or undertaking to grant, planning permission made or given after the making of the contract of sale.

PART V —*cont.*

(4) For the purposes of the application of this Part of this Act with respect to such a planning decision as aforesaid, subsections (2) to (4) of section nineteen, subsections (1), (2), (6) and (7) of section twenty, and section twenty-one of this Act shall have effect as they have effect for the purposes of Part II of this Act:

Provided that, in a case to which paragraph (*b*) of subsection (1) of this section applies, for the reference in the said section twenty-one to the Minister's giving notice of his findings in respect of the claim for compensation there shall be substituted a reference to the making of the contract of sale.

(5) In determining for the purposes of a claim for compensation under this Part of this Act whether, or to what extent, the value of an interest in land was depreciated by such an order as aforesaid—

(*a*) regard shall be had to any compensation which has become payable to the person entitled to that interest in respect of that order under section twenty-two of the principal Act otherwise than by virtue of the proviso to subsection (1) of that section;

(*b*) any grant of, or undertaking to grant, planning permission made or given during the period between the making of the order and the time when the Minister gives notice of his findings in respect of that claim, being a grant or undertaking which is in force at the end of that period, shall be taken into account as if it had been in force at the beginning of that period;

(*c*) Part VII of the principal Act shall be deemed not to have applied after the date when the order was made:

Provided that, in a case to which paragraph (*b*) of subsection (1) of this section applies, no account shall be taken of any grant or undertaking made or given after the making of the contract of sale.

(6) Where the interest to which the holder of the relevant holding is entitled or, as the case may be, which he sold, is or was an interest in reversion immediately expectant upon the termination of a tenancy granted after the planning decision or order and on or after the eighteenth day of November, nineteen hundred and fifty-two, the preceding provisions of this section shall have effect as if that tenancy had not been granted.

General provisions as to amount of compensation for past planning decisions, revocations, etc.

44.—(1) Subject to the next following subsection, where a person is entitled to compensation under this Part of this Act in respect of the depreciation of the value of an interest in qualified land by a planning decision or order, the principal amount of the compensation shall be whichever is the less of the following amounts, that is to say—

(*a*) the amount by which the value of the interest, or, in the case of an interest extending to other land, the amount

by which the value of the interest in so far as it subsisted in the qualified land, was depreciated by the decision or order; or

(*b*) the value of the relevant holding at the commencement of this Act or, if the qualified land in which the interest subsisted constituted part only of the area of the relevant holding, the fraction of the said value which attached to that qualified land:

Provided that where the same person is entitled to such compensation as aforesaid in respect of more than one relevant holding, or in respect of more than one interest, or in respect both of more than one relevant holding and of more than one interest, the aggregate principal amount payable to that person by way of such compensation in respect of all interests in respect of which he is so entitled in so far as they subsisted in the same land shall not exceed whichever is the less of the following amounts, that is to say—

(i) the aggregate of the amounts by which the value of each respectively of those interests in so far as it subsisted in that land was depreciated by the decision or order; or

(ii) the aggregate of the fractions of the respective values of all relevant holdings of which that person is the holder which attached to that land.

(2) If the whole of the land to which the planning decision or order related in which the interest subsisted is not qualified land, then, for the purposes of paragraph (*a*) of the preceding subsection, the depreciation of the value of the interest by reason of the decision or order shall first be ascertained with reference to the whole of the land aforesaid and shall then be apportioned between the parts of that land which respectively are and are not qualified land according to the nature of those parts and the effect of the planning decision or order in relation thereto.

Claims for compensation under Part V, and review of past decisions and orders.

45.—(1) The provisions of sections twenty-two and twenty-seven of this Act, shall, with the necessary modifications, apply for the purposes of this Part of this Act:

Provided that subsection (2) of the said section twenty-two shall so apply with the substitution for the reference to the date of the planning decision of a reference to the commencement of this Act.

(2) The following provisions of this section shall have effect where a local planning authority has transmitted to the Minister one or more claims for compensation under this Part of this Act, and the claim, or (if there is more than one) one or more of the claims, has not been withdrawn.

PART V —*cont.*

(3) If the claim is in respect of a refusal of permission, or of a grant of permission subject to conditions, and it appears to the Minister that, if an application for the like permission were made, and were referred to him for determination, he would make a decision more favourable to the applicant, the Minister may give a direction substituting that decision for the planning decision to which the claim relates.

In this subsection, the reference to a decision more favourable to the applicant shall be construed—

(*a*) in relation to a refusal of permission, as a reference to a decision granting the permission, either unconditionally or subject to conditions, and either as respects the whole or as respects part of the land to which the application for permission related; and

(*b*) in relation to a grant of permission subject to conditions, as a reference to a decision granting the permission applied for unconditionally or subject to less stringent conditions.

(4) If the claim is in respect of a refusal of permission, or an order revoking permission, and it appears to the Minister that permission could properly be granted for some development of the land in question other than the development to which the application for permission related, the Minister may give a direction that the provisions of the principal Act and of this Act shall have effect in relation to that application, and to the planning decision or order to which the claim relates, as if that decision or order had been a decision of the Minister which included an undertaking to grant permission for that development.

(5) The provisions of section twenty-four of this Act shall, with the necessary modifications, apply for the purposes of this section.

Payment of compensation under Part V, and supplementary provisions relating thereto.

46.—(1) Where compensation is payable in accordance with the preceding provisions of this Part of this Act, the Minister shall pay to the person entitled thereto the principal amount of the compensation payable, together with interest thereon at the rate of three and one-half per cent. per annum from the first day of July, nineteen hundred and forty-eight, to the date of payment:

Provided that if the payment is made after the thirtieth day of June, nineteen hundred and fifty-five, the interest shall be calculated to that day instead of the date of payment.

(2) Where compensation under this Part of this Act is payable in respect of a planning decision or order by reference to a claim holding, then, for the purposes of the application of this Part of

this Act to any subsequent planning decision or order, and for the purposes of Parts II and III of this Act— PART V —*cont.*

(*a*) if the principal amount of the compensation is equal to the value of the claim holding at the commencement of this Act (ascertained apart from this section), the holding shall be deemed to have been extinguished immediately before the commencement of this Act;

(*b*) if the principal amount of the compensation is less than the value of the claim holding at the commencement of this Act (ascertained apart from this section), the value of the holding shall be deemed to have been reduced, immediately before the commencement of this Act, by the principal amount of the compensation:

Provided that if at any time an amount becomes recoverable under section twenty-nine of this Act, as applied by the subsequent provisions of this section, in respect of that compensation, then, for the purposes of Parts II and III of this Act, paragraphs (*a*) and (*b*) of this subsection shall have effect as from that time as if the principal amount of that compensation had been reduced by a sum equal to seven-eighths of the amount which has so become recoverable.

(3) Where, in the case of any claim holding (in this subsection referred to as "the parent holding"), compensation under this Part of this Act is payable in respect of the depreciation of an interest in land by one or more planning decisions or orders, and any such decision or order did not extend to the whole of the area of the parent holding, then, both for the purposes of the last preceding subsection and for the purposes of Parts II and III of this Act—

(*a*) the parent holding shall be treated as having been divided immediately before the commencement of this Act into as many separate claim holdings, with such areas, as may be necessary to ensure that in the case of each holding either any such decision or order extending to the area of that holding extended to the whole thereof or that no such decision or order extended to the area of that holding;

(*b*) the value of each of the separate holdings respectively shall be taken to be that fraction of the value of the parent holding which then attached to the part of the area of the parent holding constituting the area of the separate holding;

(*c*) the authority determining the amount of any such compensation shall apportion that amount between the areas of the separate claim holdings to which the decision or order in question extended in such manner

PART V —*cont.*

as appears to that authority proper, and the portion of that amount apportioned to the area of any separate claim holding shall be taken to be compensation payable under this Part of this Act in respect of that claim holding.

(4) The provisions of sections twenty-eight and twenty-nine of this Act, except subsection (9) of the said section twenty-nine, shall have effect in relation to compensation under this Part of this Act, whether by way of principal or by way of interest, as they have effect in relation to compensation under Part II of this Act, and shall so apply as if references in the said section twenty-eight to a planning decision included references to an order under section twenty-one of the principal Act:

Provided that, in a case where the compensation under this Part of this Act specified in a notice registered under the said section twenty-eight as applied by this subsection became payable in respect of an order modifying planning permission, the said section twenty-nine shall not apply to development in accordance with that permission as modified by the order.

PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Associated companies.

47.—(1) Notwithstanding anything in Part I of this Act, no person shall be entitled to a payment under section five, seven, eight, ten or eleven of this Act by virtue of a disposition between companies which at the time of the disposition were associated companies.

(2) Where a company is the holder of a claim holding, then, for the purpose of ascertaining whether or not that company is entitled to a payment in respect of the holding under Part I or Part V of this Act, any act or event which occurred in relation to another company which at the time of that act or event was, or after that time but before the twenty-sixth day of February, nineteen hundred and fifty-four, became, associated with the company which holds the claim holding shall be treated as having occurred in relation to the company which holds the claim holding, and an interest in land held by any other company for the time being associated with the company which holds the claim holding shall be treated as being held by the company which holds the claim holding.

(3) For the purposes of this section, a company shall be treated as associated with another company if, and only if, within the meaning of section one hundred and fifty-four of the Companies Act, 1948, one of those companies is a subsidiary of the other, or both those companies are subsidiaries of the same holding company.

PART VI —*cont.*

Provision of information as to unexpended balance, etc.

48.—(1) Subject to the provisions of this section, the Central Land Board shall, upon application therefor being made to them at any time by any person, and may at any time, if they think fit, without any application being made therefor, issue a certificate in the prescribed form with respect to any land stating whether or not any of that land has an original unexpended balance of established development value and, if it has such a balance—

(*a*) giving a general statement of what was taken by the Board for the purposes of Part VI of the principal Act to be the state of that land on the first day of July, nineteen hundred and forty-eight; and

(*b*) specifying (subject to any outstanding claims under Part I or Part V of this Act) the amount of that original balance,

and any such certificate may, if the Board think fit, contain additional information with respect to acts or events in consequence of which, by virtue of any provision of this Act, a deduction falls to be made from that original balance in determining the unexpended balance, if any, of established development value of any of that land at any time thereafter.

(2) Where, after the commencement of this Act, a notice to treat has been served with a view to the compulsory acquisition of an interest in any land by any public authority possessing compulsory purchase powers, being such a department, authority, person or body of persons as is mentioned in subsection (1) of section thirty of this Act, that authority may apply to the Central Land Board for, and shall be entitled to the issue of, a certificate showing the unexpended balance of established development value, if any, of any of that land immediately before the service of that notice.

(3) Where the issue of a certificate under this section with respect to any land involves a new apportionment or, in the case of a certificate under the last preceding subsection, involves the calculation of a deduction from the original unexpended balance of established development value of the land by virtue of subsection (4) of section eighteen of this Act, then—

(*a*) except in the case of a certificate under the last preceding subsection or of a certificate which the Board propose to issue without any application being made therefor, the certificate shall not be issued otherwise than on the application of a person for the time being entitled to an interest in the land;

(*b*) before issuing the certificate, the Board shall give notice in writing to any person entitled to an interest in land which it appears to the Board will be substantially affected by the apportionment or calculation, giving particulars of the proposed apportionment or calculation and stating that objections or other representations

PART VI —*cont.*

with respect thereto may be made to the Board within thirty days from the date of the notice; and

(*c*) the certificate shall not be issued before the date of expiration of the said thirty days, and if at that date an objection to the proposed apportionment or calculation has been made by any person to whom notice has been given under the last preceding paragraph, or by any other person who establishes that he is entitled to an interest in land which is substantially affected by the apportionment or calculation, and that objection has not been withdrawn, the next following subsection shall have effect.

(4) Where by virtue of paragraph (*c*) of the last preceding subsection this subsection is to have effect, then—

(*a*) if within a further period of thirty days the person by whom any such objection was made requires the dispute to be referred to the Lands Tribunal, the dispute shall be so referred and the certificate shall not be issued until either the Tribunal has decided the matter or the reference to the Tribunal has been withdrawn;

(*b*) the certificate may be issued before the expiration of the said further period if every such objection has been withdrawn; and

(*c*) the certificate shall be issued at the date of expiration of the said further period, notwithstanding that every such objection has not been withdrawn, if no requirement has by that date been made under paragraph (*a*) of this subsection.

(5) Where, on a reference to the Lands Tribunal under this section, it is shown that a new apportionment relates partly to the same matters as any previous apportionment and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the new apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

(6) A certificate under subsection (2) of this section shall be conclusive evidence of the unexpended balance shown therein, and a certificate under subsection (1) of this section shall be sufficient proof of any facts stated therein unless the contrary is shown.

(7) An application for a certificate under this section shall be made in such form and manner as may be prescribed, and shall be accompanied by sufficient particulars, including a map if necessary, to enable the land to be identified and, where a new apportionment will be involved, particulars of the nature of the applicant's interest and such information as to the nature of any other interest in the land and as to the name and address of the person entitled to that other interest as may be known to the applicant.

PART VI —*cont.*

(8) On any application under subsection (1) of this section the applicant shall pay in the prescribed manner a fee of five shillings and, if the application involves a new apportionment, the certificate shall not be issued until the applicant has paid in the prescribed manner a further fee of fifteen shillings.

(9) In this section, the expression "new apportionment" means an apportionment which relates wholly or partly to any matters relating to which there has not been a previous apportionment.

Cancellation or reduction of liability for development charges.

49.—(1) The provisions of this section shall have effect in cases where at the commencement of this Act the whole or part of a development charge remains unpaid and, apart from this section, the charge or the unpaid balance thereof would then be payable, or would thereafter become payable, to the Central Land Board.

(2) If under Part I of this Act the Board set off the whole of the charge, or the unpaid balance thereof, against a payment thereunder, as being a payment which (but for the set-off) would be payable by the Board under the said Part I, or would have been so payable if applied for, the development charge and any liability of any person in respect thereof shall thereupon be discharged.

(3) If under Part I of this Act the Board set off part of the charge, or of the unpaid balance thereof, as mentioned in the last preceding subsection, the development charge, or the unpaid balance thereof, shall be treated as reduced by the amount so set off and any liability of any person in respect thereof shall be modified accordingly.

(4) Where, for the purposes of the Second Schedule to this Act, one or more development charges such as are mentioned in subsection (1) of this section are covered by a pledge of one or more claim holdings to the Central Land Board, and by virtue of the provisions of that Schedule one or more of those claim holdings are deemed to have been extinguished or reduced in value by reference to the unpaid balance of the charge or, as the case may be, the aggregate of the unpaid balances of the charges, as therein mentioned, a sum equal to, or to the aggregate of—

(*a*) the value of any such holding which is deemed to have been extinguished; and

(*b*) the amount of the reduction in the value of any such holding which is deemed to have been reduced in value but not extinguished,

shall be deducted from that balance or that aggregate of balances and—

(i) if that sum is equal to that balance or aggregate of balances, the charge or charges and any liability of any person in respect thereof shall be discharged;

PART VI —*cont.*

(ii) if that sum is less than that balance or aggregate of balances, the charge or charges, or the balance or respective balances thereof remaining unpaid at the commencement of this Act, shall be reduced by an amount, or, as the case may be, shall be reduced rateably by an aggregate amount, equal to that sum:

Provided that where paragraph 2 of the Second Schedule to this Act applies, any development charge in connection with which the claim holding in question was pledged in accordance with the arrangements mentioned in sub-paragraph (1) of that paragraph and any liability of any person in respect thereof shall be discharged without regard to the treatment of the claim holding in question.

(5) Where the Central Land Board agreed that payment of a development charge should be postponed in accordance with the special arrangements relating to the accommodation of agricultural workers, the Board shall treat the development charge and any liability of any person in respect thereof as discharged.

(6) In the case of a development charge which is discharged by virtue of paragraph (i) of subsection (4) of this section—

(*a*) if no sum had been paid to the Central Land Board on account of the charge, the charge shall for the purposes of Part I of this Act be treated as not having been incurred; and

(*b*) if any sum had been so paid, then, notwithstanding anything in subsection (3) of section four of this Act, the amount of the charge shall for the said purposes be treated as the amount or aggregate amount of the sum or sums so paid, other than any sum paid by way of interest;

and a development charge which is treated as discharged by virtue of the last preceding subsection shall, for the purposes of any other provision of this Act except subsection (3) of section fifty-two thereof, be treated as not having been determined to be payable.

(7) References in this section, except in subsection (4) thereof, to the unpaid balance of a development charge include references to any arrears of interest in respect of the charge.

Exchequer grants to local authorities.

50. Subject to the next following section, the following section shall be substituted for section ninety-three of the principal Act:—

"93.—(1) Regulations made under this section with the consent of the Treasury may provide for the payment by the Minister to local authorities of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations

PART VI —*cont.*

in respect of expenditure incurred by those authorities, whether before or after the passing of this Act—

(*a*) in connection with the acquisition of land approved by the Minister for the purposes of the regulations, or in connection with the clearing or preliminary development of land acquired by those authorities with such approval;

(*b*) in the payment of compensation under Part III or Part VIII of this Act (other than compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act), or in taking any action under section twenty-four, twenty-five or twenty-six of this Act, or under the said section twenty-four as applied by any of the provisions of Part III of this Act;

(*c*) in connection with the carrying out of any work of restoring, repairing or adapting buildings acquired by those authorities, being work approved by the Minister for the purposes of the regulations in the case of a building as respects which, immediately before the acquisition thereof, a building preservation order was in force or could have been made.

(2) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local authorities (whether before or after the passing of this Act) for any purpose approved by the Minister in accordance with the regulations, as if the land had been acquired for that purpose at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

(3) Without prejudice to the generality of the foregoing provisions of this section, any regulations made under this section may provide—

(*a*) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved by the Minister for the purposes of the regulations, of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);

(*b*) for the calculation of grants payable under the regulations by reference to the amount of the

PART VI —*cont.*

annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made, or by reference to the excess of such annual costs over receipts of those authorities which are attributable to such expenditure, or over the annual value of such receipts, as may be prescribed by the regulations.

(4) The amount of any grant paid to a local authority in accordance with regulations made under this section—

(*a*) where that amount is calculated by reference to annual costs incurred or treated as incurred by the authority in respect of the borrowing of money to defray expenditure in respect of which the grant is made, or by reference to the excess of such annual costs over the receipts, or the annual value of receipts, mentioned in paragraph (*b*) of the last foregoing subsection, shall not exceed an amount equal to fifty per cent. of those costs, or of that excess, as the case may be;

(*b*) in any other case, shall not exceed an amount equal to fifty per cent. of the amount of the expenditure in respect of which the grant is made:

Provided that, in relation to—

(i) land acquired for use as a public open space; or

(ii) such part, if any, of any land appropriated as mentioned in subsection (2) of this section as is intended for such use,

the regulations may provide that, if in any particular case the Minister is satisfied that, having regard to the expenditure in respect of which the grant is to be made and the financial circumstances of the local authority concerned, it is just that a higher grant should be made, the amount of the grant in that particular case shall be an amount equal to such percentage, exceeding fifty but not exceeding seventy-five per cent., of the costs, excess or expenditure aforesaid as the Minister may determine.

(5) Any expenses incurred by the Minister in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.

(6) In this section the expression 'preliminary development', in relation to land approved for the purposes of regulations made thereunder, means the carrying out of any work determined in accordance with the regulations to be work preparatory to the development of the land for the purposes for which it was acquired or appropriated, or work comprised in the initial stages of such development."

PART VI —*cont.*

Supplementary provisions as to Exchequer grants.

51.—(1) Nothing in the last preceding section, or in the amendments and repeals effected by the following provisions of this Part of this Act, shall affect the payment of any grant in respect of a year or part of a year ending on or before the thirty-first day of March, nineteen hundred and fifty-five.

(2) As respects land of any of the following descriptions, that is to say—

(*a*) land comprised in a compulsory purchase order made by a local authority under the Town and Country Planning Act, 1944, or the principal Act, and confirmed before the twenty-sixth day of February, nineteen hundred and fifty-four, being land acquired for any of the purposes specified in paragraph (*a*) of subsection (5) of section ninety-three of the principal Act;

(*b*) land acquired by agreement for any of those purposes with the consent of the Minister given before that date;

(*c*) land appropriated by a local authority for any of those purposes before that date;

(*d*) land acquired or appropriated for any of those purposes (whether before or after that date), being land contiguous or adjacent to land falling within any of the preceding paragraphs,

paragraph (*a*) of subsection (4) of the section which, by the last preceding section, is substituted for the said section ninety-three shall apply as if for the reference in that paragraph to fifty per cent. of the annual costs or excess therein mentioned there were substituted a reference to ninety per cent. of those costs or of that excess, as the case may be:

Provided that this subsection shall not authorise the payment in the case of any land of a grant at a higher rate in respect of a year or part of a year which, together with the preceding years or parts of years in respect of which grants at a higher rate have been paid in the case of that land, would extend beyond a total period of eight years.

(3) For the purposes of any regulations made under section ninety-three of the principal Act (whether before or after the commencement of this Act), the definition in that Act of the expressions " area of extensive war damage " and " area of bad lay-out or obsolete development " shall apply, and be deemed always to have applied, as if in that definition the words " being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development " had been omitted.

(4) In this section, references to section ninety-three of the principal Act are references to that section as it has effect apart from the last preceding section, and references to a grant at a

PART VI —*cont.*

higher rate are references to a grant of an amount authorised by the said section ninety-three as it so has effect, but not authorised (otherwise than by virtue of subsection (2) of this section) by the provisions substituted for that section by the last preceding section.

Recovery of certain sums from acquiring authorities.

52.—(1) Where, under Part I of this Act, a payment becomes payable by the Central Land Board in respect of the compulsory acquisition of an interest in land by, or the sale of such an interest to, a public authority possessing compulsory purchase powers (in this section referred to as " the acquiring authority "), the Board shall, subject to the provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.

(2) The preceding subsection shall not apply if—

(*a*) the acquiring authority is a government department and the interest was acquired in pursuance of a notice to treat served, or a contract made, before the twenty-sixth day of February, nineteen hundred and fifty-four; or

(*b*) the interest was acquired, in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or re-development of any area as a whole; or

(*c*) the interest was acquired, in pursuance of such a notice to treat or contract as is mentioned in the last preceding paragraph, for the purposes of the use of the land as a public open space or as allotments:

Provided that paragraph (*b*) of this subsection shall not affect the application of the preceding subsection—

(i) if the interest was acquired by a development corporation under the New Towns Act, 1946; or

(ii) if it is certified by the Minister that the interest was acquired for the purposes of the development or re-development of an area as an industrial estate.

(3) If, before the eighteenth day of November, nineteen hundred and fifty-two, operations were begun in, on, over or under any land in which an interest such as is mentioned in subsection (1) of this section subsists, or a use of any such land was instituted, being operations or a use—

(*a*) in respect of which, whether before or after the commencement of this Act, a development charge has been determined to be payable, or it has been determined that no development charge is payable; or

(*b*) comprised in a scheme of development exempt from development charge,

the said subsection (1) shall not apply to so much of any payment referred to in that subsection as is attributable to any

land in relation to which the determination was made or, as the case may be, which is included in that scheme of development. PART VI —*cont.*

(4) If such a payment as is mentioned in subsection (1) of this section would have been payable, or the amount of such a payment would have been greater, but for the existence of either or both of the following circumstances, that is to say—

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

(*b*) that by virtue of subsection (2) of section fourteen of this Act a sum was set off against the payment by reference to such a development charge,

the preceding provisions of this section shall apply as if neither of those circumstances had existed and the payment had become payable or (as the case may be) the amount of the payment had been increased accordingly.

(5) Where, under subsection (3) of section fourteen of this Act, a sum was set off against a payment, as being a payment which would have been payable under Part I of this Act if applied for, the preceding provisions of this section shall apply as if that payment had been payable under the said Part I and the set-off had been effected under subsection (2) of the said section fourteen.

(6) Where, in the case of a compulsory acquisition to which Part III of this Act applies, the compensation payable in respect of the acquisition is diminished—

(*a*) by an amount exceeding twenty pounds owing to the fact that compensation under Part II or V of this Act or compensation to which Part IV of this Act applies has become payable in respect of a planning decision or order made before the service of the notice to treat; or

(*b*) owing to the fact that by virtue of the Second Schedule to this Act a claim holding relating to the whole or part of the land comprised in the acquisition 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 subsection) or the Central Land 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 is less than it would have been if the circumstances referred to in paragraph (*a*) or (*b*) of this subsection, as the case may be, had not existed.

PART VI —*cont.*

(7) Where an interest in land is compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers, in pursuance of a notice to treat served, or a contract made, after the commencement of this Act, or was so acquired or sold in pursuance of a notice to treat served, or a contract made, on or after the sixth day of August, nineteen hundred and forty-seven, and before the commencement of this Act, and a payment exceeding twenty pounds has become payable under section fifty-nine of the principal Act in respect of that interest, or becomes so payable after the commencement of this Act, the Central Land Board shall be entitled to recover the amount of the payment from the acquiring authority:

Provided that—

(*a*) the provisions of subsections (2) and (3) of this section shall have effect in relation to this subsection as they have effect in relation to subsection (1) of this section;

(*b*) no amount shall be recoverable by the Central Land Board under this subsection in relation to any land in relation to which an amount has become recoverable by the Minister under section twenty-nine as applied by section fifty-seven of this Act;

(*c*) if the acquisition or sale does or did not extend to the whole of the land to which the payment related, the amount recoverable under this subsection shall be so much of that payment as is by virtue of subsection (4) of section fifty-seven of this Act to be treated as apportioned to the land in which the interest acquired or sold subsisted.

(8) Regulations made under this section with the consent of the Treasury may provide—

(*a*) for reducing the amount recoverable from the acquiring authority under subsection (1) of this section, or under the last preceding subsection, in cases where, since the interest was acquired by that authority and before the eighteenth day of November, nineteen hundred and fifty-two, the land in question or part thereof was the subject of a disposition of a description specified by the regulations, not being a disposition in favour of a public authority possessing compulsory purchase powers;

(*b*) for enabling the acquiring authority to recover a contribution, determined in such manner as may be prescribed by the regulations, from another public authority possessing compulsory purchase powers, in cases where, since the interest was acquired by the acquiring authority and before the commencement of this Act, the land in question or part thereof was the

PART VI —*cont.*

subject of a compulsory acquisition by that other authority, or of any other disposition in favour of that authority of a description so prescribed;

(*c*) for applying the provisions of subsection (6) of this section, subject to such adaptations and modifications as may be prescribed, to purchases of land by agreement, by public authorities possessing compulsory purchase powers, in pursuance of contracts made after the commencement of this Act, where the purchase price is determined in accordance with the regulations to be diminished as mentioned in that subsection.

(9) Where a sum is recoverable from an authority under this section by reference to an acquisition or purchase of an interest in land, and in respect thereof, or of a subsequent appropriation of the land, a grant became or becomes payable to that or some other authority under any enactment, the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

(10) In this section, references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before the eighteenth day of November, nineteen hundred and fifty-two, all those operations and uses would have been exempt from the provisions of Part VII of the principal Act by virtue of regulations made thereunder; and references to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.

Compensation for damage to requisitioned land.

53.—(1) Subject to the provisions of this section, any compensation accruing due in respect of any land after the commencement of this Act by virtue of paragraph (*b*) of subsection (1) of section two of the Compensation (Defence) Act, 1939 (which relates to compensation payable in respect of damage occurring to requisitioned land during the period of requisition) shall not exceed the amount (if any) by which the value mentioned in paragraph (*a*) of the next following subsection falls short of the price mentioned in paragraph (*b*) of that subsection.

(2) The said value and price are—

(*a*) the value, at the time when the compensation accrues due, of a freehold interest in the land in question, free from incumbrances but subject to any easement or other restriction affecting the land at that time; and

PART VI —*cont.*

(*b*) the price which would be the compulsory purchase price of the land at that time if it were then in the state in which it was when possession of the land was taken in the exercise of emergency powers.

(3) Neither of the following provisions, that is to say—

(*a*) paragraph (ii) of the proviso to subsection (1) of the said section two (which provided that the compensation payable under paragraph (*b*) of that subsection should be limited to the value of the land at the time when it was requisitioned); and

(*b*) subsection (1) of section ten of the Requisitioned Land and War Works Act, 1948 (which substituted a different limit, by reference to the compulsory purchase price of the land in its existing state and in the state in which it was when requisitioned),

shall apply to compensation to which subsection (1) of this section applies.

(4) Subsection (3) of section ten of the said Act of 1948 (which makes provision as to the matters to be taken into account in calculating the compulsory purchase price of the land in its existing state) shall apply for the purposes of this section, with the substitution for references to the compulsory purchase price of land of references to the value of such a freehold interest as is mentioned in paragraph (*a*) of subsection (2) of this section; and subsection (4) of that section (which provides for increased compensation in certain cases above the limit imposed by subsection (1) of that section) shall apply for the purposes of this section, with the substitution for the reference to subsection (1) of that section of a reference to subsection (1) of this section.

(5) In this section the expression "compulsory purchase price" has the meaning assigned to it by subsection (2) of the said section ten.

Special provisions relating to minerals.

54.—(1) Development charges determined in respect of the winning and working of minerals shall cease to have effect in so far as they require the payment of any royalty or other sum in respect of minerals got after the commencement of this Act.

(2) Where a development charge has been determined in respect of the winning and working of minerals over a period ending after the commencement of this Act, the Central Land Board shall, if application is made to them in that behalf in accordance with the regulations for the time being in force under section seventy-three of the principal Act, vary the determination, and amend, discharge or release any covenants or charges made or given in respect thereof, in such manner as appears to them appropriate for limiting the development charge to the winning and working of the minerals within so much of that period as

PART VI —*cont.*

preceded the commencement of this Act, and shall repay any sums paid thereunder so far as may be requisite for giving effect to the variation.

(3) In relation to interests in land consisting of or comprising minerals, and in relation to claims established wholly or partly in respect of such land, the provisions of this Act shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.

(4) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(5) The Mineral Development Charge Set-off Regulations, 1951, shall cease to have effect; but in respect of the winning and working of minerals to which those Regulations applied no development charge shall be payable or be deemed ever to have been payable.

Modification of mining leases granted before 18th November, 1952.

55.—(1) The Lands Tribunal may, upon application made to them within one year from the commencement of this Act by any party to a lease to which this section applies, by order modify the provisions of the lease so far as may be required in order to secure that the sums payable by the lessee under the lease, in respect of any period beginning on or after the date of the commencement of this Act, are equal to the sums which, in the opinion of the Tribunal, the lessee could, at the time of the lease, fairly and reasonably have been required so to pay if no development charges had been payable in respect of the winning and working of minerals.

(2) This section applies to the following leases, that is to say—

(*a*) any mining lease granted within the period beginning on the first day of July, nineteen hundred and forty-eight, and ending on the seventeenth day of November, nineteen hundred and fifty-two;

(*b*) any mining lease granted after the end of that period by virtue of the exercise before the commencement of this Act of an option granted within that period;

(*c*) any mining lease granted before the beginning of that period, if the terms of the lease as to the payments to be made thereunder by the lessee were varied by an agreement entered into within that period or by an order made within that period under section thirty of the Mineral Workings Act, 1951 (which empowered the Lands Tribunal to modify mining leases granted before the said first day of July).

PART VI —*cont.*

(3) In determining for the purposes of subsection (1) of this section the sums which a lessee could fairly and reasonably have been required to pay in respect of any period beginning on or after the date of the commencement of this Act, the Tribunal shall have regard to the terms and conditions of the lease, other than terms and conditions as to the sums payable by the lessee thereunder, except sums so payable in respect of any period beginning before that date.

(4) The provisions of this section shall apply in relation to orders made under Part I of the Mines (Working Facilities and Support) Act, 1923, as they apply in relation to mining leases, with the substitution for references to the granting of a lease of references to the making of such an order and for references to the Lands Tribunal of references to the High Court.

(5) The provisions of this section shall apply in relation to an option conferring a right to require the grant of a mining lease, being an option granted within the period beginning on the first day of July, nineteen hundred and forty-eight, and ending on the seventeenth day of November, nineteen hundred and fifty-two, as they apply in relation to a lease to which this section applies, with the substitution for references to the terms and conditions of the lease and the sums payable by the lessee thereunder of references to the terms and conditions of the lease which would be granted if the option were exercised and to the sums which would be payable by the lessee under that lease.

(6) Section thirty of the Mineral Workings Act, 1951, shall cease to have effect.

Contribution to Ironstone Restoration Fund.

56.—(1) In respect of ironstone extracted by opencast operations after the commencement of this Act, the rate of the contributions payable under section three of the Mineral Workings Act, 1951 (which provides for contributions to the Ironstone Restoration Fund from ironstone operators) shall be twopence farthing instead of one penny and one eighth per ton:

Provided that this subsection shall not apply—

(*a*) to ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease; or

(*b*) to ironstone in respect of which an order under section seven of the said Act of 1951 (which relates to charitable trusts) was in force immediately before the commencement of this Act,

and the Minister may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, direct that, as from the date of the order or such earlier date as may be specified in the order, this subsection shall not apply to such other ironstone as may

PART VI —*cont.*

be so specified, being ironstone an interest in which is held on the date of the order on charitable trusts or for charitable purposes.

(2) Where in accordance with the preceding subsection contributions at the rate of twopence farthing per ton are payable by a lessee under a mining lease or by the person granted a right to work minerals by an order under Part I of the Mines (Working Facilities and Support) Act, 1923, a sum, computed in accordance with the provisions of the Third Schedule to the said Act of 1951, may, notwithstanding anything in the lease or order, be deducted in accordance with the provisions of that Schedule from payments by the lessee under the lease or by that person under the order, or may be otherwise recovered in accordance with those provisions by the lessee or by that person:

Provided that this subsection shall not apply to any mining lease made after the fifteenth day of February and before the first day of August, nineteen hundred and fifty-one, which contained a provision expressly excluding the operation of paragraph (*b*) of subsection (2) of section six of the said Act of 1951 (which conferred on lessees rights corresponding with those conferred by this subsection).

(3) Section five of the Mineral Workings Act, 1951 (which provides for contributions from ironstone owners by reference to payments falling to be made under section fifty-eight of the principal Act) and section six of that Act shall cease to have effect.

Recovery, on subsequent development, of payments under s. 59 of principal Act.

57.—(1) Where a payment under section fifty-nine of the principal Act (other than a payment not exceeding twenty pounds) has become payable in respect of an interest in land, or becomes so payable after the commencement of this Act, the Central Land Board shall cause notice of the payment, specifying the amount of the payment and the land to which it relates, to be deposited with the council of the county borough or county district in which the land is situated and, if that council is not the local planning authority, with the local planning authority:

Provided that—

(*a*) the preceding provisions of this subsection shall not apply to any amount which is recoverable under subsection (7) of section fifty-two of this Act or which would be so recoverable but for the provisions of paragraph (*a*) of the proviso to that subsection;

(*b*) if a development charge was determined to be payable in respect of the land to which the payment related or relates (in this proviso referred to as "the payment

PART VI —*cont.*

area "), or in respect of land which included the payment area, the preceding provisions of this subsection shall not apply to that payment; and

(*c*) if a development charge was determined to be payable in respect of part of the payment area, or in respect of land which included part (but not the whole) of that area, the preceding provisions of this subsection shall apply as if separate payments of so much of the amount aforesaid as is respectively attributable thereto had been payable in respect of that part of the payment area and the remainder of that area.

(2) Notices deposited under this section shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.

(3) Section twenty-nine of this Act, except subsection (9) thereof, shall have effect in relation to notices registered under this section as it has effect in relation to notices registered under section twenty-eight of this Act:

Provided that—

(*a*) the said section twenty-nine shall apply for the purposes of this section with the substitution for references to the compensation specified in a notice of references to the payment so specified, and as if that section applied to every description of new development; and

(*b*) no amount shall be recoverable by the Minister under the said section twenty-nine as applied by this subsection in relation to any land in relation to which an amount has become recoverable by the Central Land Board under subsection (7) of section fifty-two of this Act.

(4) For the purposes of this Part of this Act a payment under section fifty-nine of the principal Act shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under the said section fifty-nine, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it as between different parts of that land.

(5) References in this section to the amount of a payment under section fifty-nine of the principal Act shall be construed as including any interest payable thereon under subsection (3) of section sixty-five of that Act.

PART VI —*cont.*

Provisions as to monopoly value of licensed premises.

58.—(1) The provisions of this section shall have effect where it is certified by the Commissioners of Customs and Excise (in this section referred to as " the Commissioners ")—

(*a*) that on the grant, or provisional grant, of a justices' on-licence to which this section applies a payment was imposed by reference to monopoly value, as mentioned in subsection (1) of section fourteen of the Licensing (Consolidation) Act, 1910 (in this section referred to as " the monopoly payment ") ; and

(*b*) that in assessing that payment account was taken of the effect of Part VII of the principal Act, and in consequence thereof the payment was increased by an amount specified in the certificate (in this section referred to as " the certified amount "),

and it is certified by the Central Land Board that no development charge has been determined by the Board to be payable in respect of the erection or use of the premises to which the licence related.

(2) This section applies to any justices' on-licence granted, or provisionally granted, after the first day of July, nineteen hundred and forty-eight, and before the eighteenth day of November, nineteen hundred and fifty-two.

(3) Any certificate issued by the Central Land Board under this section shall state whether, before the eighteenth day of November, nineteen hundred and fifty-two, operations for the erection of the premises to which the licence related were begun, or the use of those premises in pursuance of the licence was instituted, in such circumstances that a development charge could have been determined to be payable in respect thereof if the circumstances referred to in paragraphs (*a*) and (*b*) of subsection (1) of this section had not existed.

(4) If it is certified by the Central Land Board that a development charge could have been determined as mentioned in the last preceding subsection, the provisions of Part I of this Act shall apply as if the person who paid the monopoly payment, or, if that payment was not paid in full in the first instance, the person who paid the first instalment thereof, had incurred a development charge in respect of the land on which the operations were begun, or the use instituted, as mentioned in the last preceding subsection, and the amount of the charge had been the certified amount:

Provided that—

(*a*) any payment falling to be made by virtue of this subsection shall be made by the Commissioners instead of by the Board ; and

PART VI —*cont.*

(*b*) subsections (2) and (3) of section fourteen of this Act shall not apply to payments falling to be made by virtue of this subsection.

(5) Where, apart from this subsection, a payment (in this subsection referred to as " the special payment ") would be payable by virtue of the last preceding subsection, then, unless the monopoly payment has been paid in full, the Commissioners shall not pay the special payment to the person entitled thereto, but—

(*a*) if the monopoly payment was payable by instalments, the amount payable in respect of each instalment shall be reduced rateably so that the total reduction is equal to the principal amount of the special payment, and, if one or more instalments have been paid, the Commissioners shall repay so much thereof as by reason of the reduction ought not to have been paid, together with interest on the amount so repaid at the rate of three and one-half per cent. per annum from the first day of July, nineteen hundred and forty-eight, to the date of repayment or to the thirtieth day of June, nineteen hundred and fifty-five, whichever is the earlier;

(*b*) if the monopoly payment was not payable by instalments and has not been paid, it shall be reduced by the principal amount of the special payment.

(6) Where the Central Land Board are satisfied that (apart from the last preceding subsection) a person would have been entitled to a payment by virtue of subsection (4) of this section if he had applied for it within the period prescribed in that behalf, and he has failed to apply for the payment within that period or within any extended period allowed for applying for it, the Board may determine the principal amount of the payment to which he would have been so entitled; and the last preceding subsection shall apply as if that person had become entitled to the payment and the principal amount thereof had been the principal amount determined under this subsection.

(7) Section fifteen of this Act shall apply as respects the principal amount of a payment determined under the last preceding subsection as it applies (by virtue of paragraph (*c*) of subsection (4) thereof) as respects the principal amount of a payment determined under subsection (3) of section fourteen of this Act.

(8) If it is certified by the Board that a development charge could not have been determined as mentioned in subsection (3) of this section, then—

(*a*) if the monopoly payment has been paid in full, the Commissioners shall repay a sum equal to the certified amount;

PART VI —*cont.*

(*b*) if the monopoly payment was payable by instalments, the amount payable in respect of each instalment shall be reduced rateably so that the total reduction is equal to the certified amount, and, if one or more instalments have been paid, the Commissioners shall repay so much thereof as by reason of the reduction ought not to have been paid;

(*c*) if the monopoly payment was not payable by instalments and has not been paid, it shall be reduced by the certified amount.

Applications for permission for industrial development.

59.—(1) Where, after the commencement of this Act, an application is made to a local planning authority for permission to develop land by the erection thereon of an industrial building, being an application which would, apart from this section, be of no effect by virtue of subsection (4) of section fourteen of the principal Act (which provides that certain applications for such permission shall be of no effect unless it is certified by the Board of Trade that the development in question can be carried out consistently with the proper distribution of industry), the local planning authority shall consider whether, if the requirements of the said subsection (4) had been satisfied, they would nevertheless have refused the permission sought by the application either as respects the whole or as respects part of the land to which the application relates; and if they are of opinion that they would so have refused that permission, they shall serve on the applicant a notice in writing to that effect.

(2) Where a notice has been served under the preceding subsection as respects the whole or part of any land, the provisions of this Act and of sections nineteen and twenty of the principal Act, and, where by virtue of the preceding provisions of this subsection a direction has been given under subsection (3) of section twenty-three of this Act, the other provisions of the principal Act, shall have effect as respects that land or that part thereof as if the application had been of effect and permission had been refused.

Dispositions of claims under Part VI of principal Act.

60.—(1) An assignment of the benefit, or part of the benefit, of an established claim shall be of no effect if—

(*a*) it is made after the commencement of this Act; or

(*b*) it requires the approval of the Central Land Board under subsection (2) of section two of the Act of 1953, and no application for that approval was made before the commencement of this Act.

(2) Subject to the preceding subsection, an assignment of the benefit, or part of the benefit, of an established claim, if approved by the Central Land Board under subsection (2) of section two

PART VI —*cont.*

of the Act of 1953, whether before or after the commencement of this Act, shall be deemed to have had effect as from the date on which the assignment was made.

(3) Subsection (2) of section sixty-four of the principal Act (which provides that the right to receive a payment under Part VI of that Act shall be transmissible by assignment or by operation of law) shall be deemed always to have had effect in relation to the disposition by will of such a right as is mentioned in that subsection as it has effect in relation to the transmission of such a right by operation of law:

Provided that a disposition of such a right by the will of a testator dying after the commencement of this Act shall be of no effect.

Crown land.

61.—(1) In this section, the expression "Crown interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department; the expression "Duchy interest" means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and the expression "private interest" means an interest which is neither a Crown interest nor a Duchy interest.

(2) Subject to the following provisions of this section—

(*a*) where there is a Crown interest in any land, the provisions of this Act, other than this section, shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest; and

(*b*) where there is a Duchy interest in any land, the said provisions shall have effect in relation to that interest, and to any private interest, as if the Duchy interest were a private interest.

(3) Where, in the case of a compulsory acquisition to which Part III of this Act applies, planning permission was granted before the date of service of the notice to treat, and the person who at that date is entitled to the interest in land to which the acquisition relates is, or derives title from a person who was, entitled thereto under a disposition which—

(*a*) took effect after the grant of the planning permission; and

(*b*) was a disposition of a Crown interest or a Duchy interest, or a disposition creating an interest immediately out of a Crown interest or a Duchy interest,

then, notwithstanding subsection (4) of section fifty-one of the principal Act, that permission shall not be disregarded in assessing the compensation payable in respect of the acquisition.

PART VI —*cont.*

(4) References in this Act to claims established under Part VI of the principal Act include references to claims so established in accordance with arrangements made under subsection (2) of section eighty-eight of the principal Act (which relates to interests belonging to the Duchies of Lancaster and Cornwall); references to development charges include references to sums determined in accordance with such arrangements to be appropriate in substitution for development charges; and references to the amount of an established claim or of a development charge shall be construed accordingly.

(5) The provisions of this Act shall have effect in relation to the withholding, or the giving subject to conditions, of any approval of a local planning authority required in respect of any development of land in which there is a Duchy interest, being approval required in accordance with an agreement under subsection (1) of section eighty-eight of the principal Act (which provides for agreements for securing the use of Crown land in conformity with development plans), as if the withholding of the approval, or the giving thereof subject to conditions, were a refusal of planning permission, or a grant of planning permission subject to conditions, as the case may be.

(6) An order under section fifty-five of this Act shall not be made in respect of a mining lease where the interest of the lessor is a Duchy interest unless—

(*a*) the lease relates to land in respect of which arrangements under subsection (2) of section eighty-eight of the principal Act are in force; and

(*b*) the order is made with the consent of the appropriate authority as defined by section eighty-seven of that Act.

Application of Act to London, and to Isles of Scilly.

62.—(1) In relation to land in the administrative county of London, other than land in the City of London, the provisions of this Act, other than this section, shall have effect as if references to the county borough or county district, or to the council thereof, were references respectively to that county and to the London County Council.

(2) In relation to land in the City of London, those provisions shall have effect as if references to the county borough or county district, or to the council thereof, were references respectively to the City of London and to the Common Council of the City.

(3) In relation to land in the Isles of Scilly, those provisions shall have effect as if the Isles were a county district, and the council of the Isles were the council of that district.

Dissolution of Central Land Board.

63.—(1) Her Majesty may by Order in Council provide for the winding up and dissolution of the Central Land Board and for the transfer to the Minister of any of the functions of the Board exercisable in England or Wales which at such date as may be specified in the Order have not been fully performed.

PART VI —*cont.*

(2) An Order in Council under this section may contain such incidental, consequential and supplementary provisions as may appear to Her Majesty to be expedient for the purposes of the Order.

(3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

(4) On the dissolution of the Central Land Board by an Order in Council under this section, sections two and three of the principal Act (which relate to that Board) shall cease to have effect.

General financial provisions.

64.—(1) The Treasury may issue to the Minister and to the Central Land Board out of the Consolidated Fund such sums as are necessary to enable the Minister and the Board respectively to make any payments becoming payable by him or them under any provision of Part I or V of this Act.

(2) For the purpose of providing sums to be issued under the preceding subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) The provisions of this subsection shall have effect as to the repayment of sums issued under subsection (1) of this section, that is to say—

(*a*) the aggregate of the sums so issued in any financial year, whether to the Minister or to the Central Land Board, shall be repaid by the Minister into the Exchequer, as mentioned in the next following paragraph, with interest thereon at such rate as the Treasury may determine, the said interest accruing, as respects the whole aggregate, from such date in the financial year in which the sums are issued as the Treasury may determine;

(*b*) the said aggregate shall be repaid by twenty equal annual instalments, of principal and interest combined, falling due on the anniversary of the date determined under the preceding paragraph, the first such instalment falling due in the financial year next following the financial year in which the sums in question were issued;

(*c*) subject to the next following subsection, any instalment to be paid into the Exchequer under the last preceding paragraph shall be paid out of moneys provided by Parliament.

PART VI —*cont.*

(4) Any sums received by the Minister or by the Central Land Board—

(*a*) by virtue of subsection (4) of section forty-six of this Act;

(*b*) under subsections (1) to (5) of section fifty-two of this Act; or

(*c*) under subsection (6) of the said section fifty-two, or under that subsection as applied by regulations made under subsection (8) of that section, not being in either case sums recovered by reference to compensation payable under Part II of this Act or to compensation to which Part IV of this Act applies,

shall be paid into the Exchequer, and shall be treated as paid in satisfaction, or part satisfaction, of such one or more instalments payable under the last preceding subsection as the Treasury may determine.

(5) All sums paid into the Exchequer under the two last preceding subsections shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows:—

(*a*) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;

(*b*) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this paragraph, have fallen to be paid out of the permanent annual charge for the National Debt.

(6) The Minister and the Central Land Board shall each prepare, in respect of each financial year, in such form and manner and at such times as the Treasury may direct, an account of the sums issued to them respectively out of the Consolidated Fund under subsection (1) of this section, and of any such sums received by them respectively as are mentioned in subsection (4) of this section.

(7) On or before the thirtieth day of November in each year, the Minister and the Central Land Board shall transmit to the Comptroller and Auditor General the account prepared by him or them under the last preceding subsection in respect of the last preceding financial year, and the Comptroller and Auditor General shall examine and certify each such account and lay before each House of Parliament copies thereof, together with his report thereon.

(8) There shall be paid out of moneys provided by Parliament—

(*a*) any sums necessary to enable the Minister to make any payment becoming payable by him under any provision of Part II or IV of this Act;

PART VI —*cont.*

(*b*) any administrative expenses of the Minister under this Act;

(*c*) to such extent as may be sanctioned by the Treasury, any administrative expenses incurred for the purposes of this Act by the Central Land Board with the approval of the Minister;

(*d*) any sum falling to be paid by the Central Land Board under subsection (2) of section fifty-four of this Act;

(*e*) any sum falling to be paid by the Commissioners of Customs and Excise by virtue of section fifty-eight of this Act;

(*f*) any increase attributable to the provisions of this Act in the sums which under any other enactment are payable out of moneys so provided.

(9) Subject to the preceding provisions of this section, and to the provisions of section forty-one of this Act, any receipts of the Minister or the Central Land Board under any provision of this Act other than this section shall be paid into the Exchequer.

(10) As soon as practicable after—

(*a*) the expiration of a period of five years commencing with the date of commencement of this Act; or

(*b*) the expiration of the financial year in which the aggregate of all payments made by the Minister under Parts II and IV of this Act reaches thirty million pounds,

whichever is the earlier, the Minister shall lay before Parliament a report with respect to those payments and to any sums received by him under this Act other than such sums as are mentioned in subsection (4) of this section.

General provisions as to calculation of value.

65.—(1) In calculating value for any of the purposes of this Act—

(*a*) Rules (2) to (4) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply with the necessary modifications;

(*b*) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to the mortgage:

Provided that Rule (3) of those Rules shall not apply for the purposes of the Fourth Schedule to this Act, and paragraph (*b*) of this subsection shall not apply for the purposes of subsection (2) of section six of this Act.

(2) Where, for the purposes of any of the provisions of this Act, a value falls to be calculated by reference to the duration of a tenancy, and by reason of any option or other contractual

right with respect to the determination, renewal or continuance of the tenancy, the date of expiration of the tenancy is not ascertainable with certainty, that date shall be taken to be such as appears reasonable and probable having regard to the interests of the party by whom the option is exercisable, or in whose favour the right operates, and to any other material considerations subsisting at the time when the calculation of the value falls to be made.

Provisions as to mortgages, settlements, ecclesiastical property, etc.

66.—(1) Regulations made under this section may make provision as to the exercise of the right to apply for a payment under Part I of this Act, or to claim compensation under Part II or Part V thereof, and as to the person to whom any such payment or compensation or any part thereof is to be paid and as to the application of any such payment or compensation or any part thereof, in cases where, apart from this section, the right to apply for the payment, or to claim the compensation, as the case may be, is exercisable by reference to—

(*a*) a claim holding which is subject to a mortgage, or which was so subject at a time specified in the regulations; or

(*b*) an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or which was so subject at a time specified in the regulations;

and any such regulations may, in a case where any payment or compensation, or any part thereof, is by virtue of those regulations to be paid to the owner of a rentcharge, apply all or any of the provisions of section twenty-five of the War Damage Act, 1943 (which relates to the rights of owners of rentcharges as to payments for war damage), subject to such adaptations and modifications as may be prescribed by the regulations, and may provide for disputes arising under the regulations, so far as they relate to rentcharges, to be referred to the Lands Tribunal for determination by that Tribunal.

(2) The purposes authorised for the application of capital moneys—

(*a*) by section seventy-three of the Settled Land Act, 1925, and by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale; and

(*b*) by section twenty-six of the Universities and College Estates Act, 1925,

and the purposes authorised by section seventy-one of the Settled Land Act, 1925, by that section as applied as aforesaid, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage, shall include the payment of any sum recoverable under section twenty-nine, forty-one, forty-six or fifty-seven of this Act.

PART VI —*cont.*

(3) Any sum payable under this Act in relation to land which is, or on the first day of July, nineteen hundred and forty-eight, was, ecclesiastical property, being a sum which apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale; and where any sum is recoverable under section twenty-nine, forty-one, forty-six or fifty-seven of this Act in respect of such land, the Church Commissioners may apply any money or securities held by them in the payment of that sum.

Application of miscellaneous provisions of principal Act.

67.—(1) Subsections (3) and (4) of section three of the principal Act (which relate to the functions of the Central Land Board) shall have effect in relation to this Act as they have effect in relation to the principal Act.

(2) Subsection (1) of section one hundred and three of the principal Act, in so far as it confers powers of entry on land, shall have effect as if (in addition to the powers so conferred) it conferred power on any person, being an officer of the Valuation Office or a person duly authorised in writing by the Minister, to enter upon any land at any reasonable time for the purpose of surveying it, or estimating its value, in connection with—

(*a*) an application for a payment under Part I of this Act in respect of that land or any other land; or

(*b*) a claim for compensation under Part II or Part V of this Act in respect of that land or any other land,

and subsections (4) to (7) and subsection (9) of that section shall have effect accordingly.

(3) Section one hundred and five of the principal Act (which relates to the service of notices) shall apply for the purposes of this Act.

(4) Section ninety-two and subsection (2) of section one hundred and nineteen of the principal Act (which relate to the determination of questions as to special classes of land) shall apply, for the purposes of this Act, for the determination of any question whether land is land of a class specified in the Sixth Schedule to this Act as they apply for the determination of questions as to classes of land for the purposes of the principal Act.

(5) Section one hundred and four of the principal Act (which authorises the Minister to hold local inquiries for the purposes of that Act) shall apply for the purposes of this Act.

Provisions as to regulations.

68.—(1) The Minister may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.

PART VI —*cont.*

(2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

(3) Any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are to be of no effect unless approved by resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

69.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" the Act of 1953 " means the Town and Country Planning Act, 1953 ;

" claim holding " has the meaning assigned to it by section two of this Act ;

" compensation calculated on the basis of equivalent reinstatement " means compensation calculated in accordance with Rule (5) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919 ;

" compensation calculated on the basis of prevailing use " means compensation with respect to the calculation of which any of the following provisions of the principal Act applies, that is to say, subsection (5) of section eighty-two, subsection (4) of section eighty-four, the said subsection (4) as applied by regulations made under section ninety, or subsection (4) of section eighty-five ;

" compensation on the basis of existing use " means compensation with respect to the assessment of which the following provisions apply, that is to say, the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified by sections fifty-one, fifty-three and fifty-four of the principal Act, not being compensation calculated on the basis of equivalent reinstatement or on the basis of prevailing use, and excluding any compensation for disturbance or for severance or injurious affection ;

" compulsory acquisition " does not include the vesting in a person by an Act of Parliament of property previously vested in some other person ;

" established claim " and " claim area " have the meanings assigned to them by section one of this Act ;

" in the same capacity," in relation to entitlement both to a claim holding and to an interest in land, means

PART VI —*cont.*

entitled in one only of the following capacities, that is to say, beneficially, or as trustee of one particular trust, or as personal representative of one particular person;

"interest in land" means only an interest in fee simple or a tenancy;

"the Minister" (subject to subsection (8) of this section) means the Minister of Housing and Local Government;

"new development" has the meaning assigned to it by section sixteen of this Act;

"planning decision" has the meaning assigned to it by section sixteen of this Act;

"prescribed" means prescribed by regulations under this Act;

"previous apportionment" in relation to an apportionment for any of the purposes of this Act means an apportionment made before the apportionment in question, being—

(*a*) an apportionment for any of the purposes of this Act as made, confirmed or varied by the Lands Tribunal on a reference thereto; or

(*b*) an apportionment for any of the purposes of this Act which might have been referred to the Lands Tribunal by virtue of any provision of this Act but in the case of which the time for such a reference has expired without its being so required to be so referred, or which was so referred but in the case of which the reference was withdrawn before the Tribunal gave their decision thereon; or

(*c*) an apportionment made by or with the approval of the Central Land Board in connection with the approval by the Board of an assignment of part of the benefit of an established claim under subsection (2) of section two of the Act of 1953;

"principal Act" means the Town and Country Planning Act, 1947;

"public authority possessing compulsory purchase powers", in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition, and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily 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 authorised as aforesaid;

PART VI —*cont.*

" rentcharge " includes any annual sum charged on land, not being rent incident to a reversion ;

" royalty ", " full restoring lease " and " ironstone district " have the meanings assigned to them by the Mineral Workings Act, 1951 ;

" tenancy " means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease, or by a tenancy agreement, or in pursuance of any enactment, but does not include a mortgage term or any interest arising in favour of a mortgagor by his attorning tenant to his mortgagee, and references to the granting of a tenancy shall be construed accordingly ;

" unexpended balance of established development value " means an amount ascertained in accordance with sections seventeen and eighteen, and " original unexpended balance of established development value " has the meaning assigned to it by section seventeen, of this Act ;

" valuable consideration " does not include marriage or a nominal consideration ;

" will " includes a codicil.

(2) Subject to the preceding subsection and except where the context otherwise requires, expressions used in this Act and in the principal Act have the same meanings in this Act as in that Act.

(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 principal Act 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 the last preceding paragraph, the time when by virtue of subsection (3) of

PART VI —*cont.*

section sixteen of the principal Act notification of a decision by the local planning authority is deemed to have been given.

(4) References in this Act to the local planning authority, in relation—

(*a*) to a planning decision made on behalf of that authority by another authority, by virtue of the delegation of any functions of the local planning authority to that other authority; or

(*b*) to compensation payable under section twenty-two of the principal Act by another authority, by virtue of the transfer to that other authority of any liability of the local planning authority,

shall be construed as references to that other authority.

(5) For the purposes of this Act a development charge—

(*a*) shall be deemed not to have been determined if the determination thereof ceased to have effect by virtue of subsection (2) of section seventy-three of the principal Act, or if, by virtue of subsection (1) of section one of the Act of 1953, the charge is not payable, or if any sum paid in respect of the charge became repayable under subsection (5) of section one of the Act of 1953;

(*b*) shall be deemed to have become payable notwithstanding any agreement of the Central Land Board to a postponement of the payment of the charge, if the whole or part of the charge would have been payable but for that agreement;

and references in this Act to a determination of the Central Land Board that a development charge was payable, or as to the amount of a development charge, shall, in a case where the Board subsequently varied their determination, be construed as references to that determination as so varied.

(6) 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; references to an option are references to an option in writing or attested as aforesaid; and references to the making of a contract or to the grant of an option 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.

(7) 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;

PART VI —*cont.*

(*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.

(8) References in this Act to the Minister, in relation to any time before the third day of November, nineteen hundred and fifty-one, but on or after the thirtieth day of January, nineteen hundred and fifty-one, shall be construed as references to the Minister of Local Government and Planning, and, in relation to any time before the said thirtieth day of January, shall be construed as references to the Minister of Town and Country Planning.

(9) References in this Act to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Amendment of s. 19 of principal Act.

70.—(1) In section nineteen of the principal Act (which imposes on a local authority an obligation to purchase land in certain circumstances) after subsection (2) there shall be inserted the following new subsection, that is to say—

"(2A) In considering, for the purposes of the last foregoing subsection, whether or not the use of land in any particular state is or would be reasonably beneficial, the Minister shall not take account of the possibility of any development, whether of that or any other land, of any class not specified in the Third Schedule to this Act."

(2) The preceding subsection shall be deemed to have come into operation on the eighteenth day of November, nineteen hundred and fifty-two:

Provided that nothing in this section shall affect the validity of anything done in consequence of a purchase notice served before the commencement of this Act.

Minor and consequential amendments and repeals.

71.—(1) Subject to the provisions of this section, the enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the provisions of this Act.

(2) Subject to the provisions of this section, the enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.

(3) The amendment by virtue of this section of the Third Schedule to the Mineral Workings Act, 1951, shall not affect any right or liability which by virtue of section six of that Act and the said Third Schedule was subsisting immediately before the commencement of this Act.

PART VI —*cont.*

(4) The amendment by virtue of this section of the Third Schedule to the principal Act shall not have effect for the purposes of the following provisions of that Act, that is to say section fifty-four (which relates to the assessment of compensation for the compulsory acquisition of requisitioned land), section sixty-one (which relates to the ascertainment of development values), section sixty-nine (which relates to development charges) and subsection (1) of section eighty-nine (which relates to the calculation of the development value of requisitioned land).

(5) As respects amendments and repeals relating to sections ninety-four and ninety-five of the principal Act, the provisions of this section shall have effect subject to section fifty-one of this Act.

(6) The repeal by virtue of this section of the proviso to subsection (1) of section twenty-two of the principal Act shall not affect compensation in respect of any order made under section twenty-one of that Act before the commencement of this Act.

(7) References in any local Act to Part II of the Town and Country Planning Act, 1944, or to Part V of the principal Act shall be construed in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a notice to treat served after the commencement of this Act as including a reference to Part III of this Act:

Provided that nothing in any such Act shall, by virtue of this subsection, be construed as excluding the application of the said Part III in relation to compensation payable in respect of any compulsory acquisition of land.

Short title, citation, commencement and extent.

72.—(1) This Act may be cited as the Town and Country Planning Act, 1954, and the Town and Country Planning Acts, 1947 and 1951, the Town and Country Planning Act, 1953, in its application to England and Wales, and this Act, may be cited together as the Town and Country Planning Acts, 1947 to 1954.

(2) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act; and if different days are so appointed, references in any provision of this Act to the commencement of this Act shall be construed as references to the time at which that provision comes into operation.

(3) Any order made under the last preceding subsection shall be made by statutory instrument and may, at any time before the day appointed thereby, be revoked or varied by a subsequent order under that subsection.

(4) This Act, except section sixty-three thereof, shall not extend to Scotland.

(5) This Act shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Sections 1, 6.

MODIFICATION OF PROVISIONS OF PRINCIPAL ACT AS TO DEVELOPMENT VALUE

Modification in certain cases where land acquired by public authority

1.—(1) The three next following paragraphs shall have effect where an interest in land was compulsorily acquired by a public authority possessing compulsory purchase powers in pursuance of a notice to treat served on or after the date of the passing of the principal Act and before the first day of July, nineteen hundred and forty-eight, and the compensation paid did not exceed the amount provided for by section fifty-five of the principal Act (which provided for compensation on the basis of the existing use value of the land).

(2) The said paragraphs shall also have effect where an interest in land was purchased by such an authority in pursuance of a contract made on or after the date of the passing of the principal Act and before the said first day of July, at a price which did not exceed the amount of the compensation which would have been payable in accordance with the said section fifty-five if the transaction had been a compulsory acquisition.

(3) In those paragraphs the expression "the relevant land" means the land an interest in which was acquired or purchased as mentioned in either of the preceding sub-paragraphs, and the expression "the relevant interest" means the interest which was so acquired or purchased.

2. Where any works for the erection or alteration of a building had been begun but not completed on the relevant land before the day on which the notice to treat was served or the contract made, as the case may be, subsection (3) of section seventy-eight of the principal Act (which provides that the development value of land containing unfinished buildings shall be calculated as if the buildings were completed) shall not apply for the purpose of determining the development value of the relevant interest.

3. Where after the notice to treat was served or the contract made, as the case may be, the Minister issued in respect of the relevant land or any part thereof a certificate under section eighty of the principal Act (which, as respects land certified as ripe for development before the said first day of July, provides that the prospective value of the development for which the land was ripe shall be disregarded), the development value of the relevant interest shall be determined as if the certificate had not been issued.

4. Where the acquisition or purchase was not completed until after the said first day of July, but before that day the acquiring authority had carried out on the relevant land works for the erection

1ST SCH. —*cont.*

or alteration of a building, or had on the relevant land constructed roads or provided sewers or other services, the provisions of subsection (2) of section ninety-one of the principal Act (which makes special provision as to compulsory acquisitions initiated and completed between the passing of that Act and the first day of July, nineteen hundred and forty-eight), and those provisions as applied by subsection (4) of that section (which relates to acquisitions by agreement by public authorities), shall apply as if they extended to acquisitions completed after the said first day of July in pursuance of a notice to treat served, or a contract made, after the passing of the principal Act but before that day:

Provided that where the acquiring authority had carried out on the relevant land any such operations as aforesaid before the service of the notice to treat, or the making of the contract, as the case may be, those provisions shall so apply as if, in paragraph (*a*) of the said subsection (2), the reference to the state of the land as it was immediately before the date of the notice to treat were a reference to the state of the land immediately before those operations were begun.

5. Subsection (3) of section ninety-one of the principal Act (which requires development values to be adjusted where an interest in land is compulsorily acquired), and that subsection as applied by subsection (4) of that section, shall not apply to any acquisition of an interest in land in pursuance of a notice to treat served, or a contract made, after the commencement of this Act.

Requisitioned land

6. Where land was requisitioned land on the first day of July, nineteen hundred and forty-eight, and during the period of requisition a value payment under the War Damage Act, 1943, became payable in respect of that land, section eighty-nine of the principal Act (which provides for calculating the development value of an interest in requisitioned land by reference to the state of the land immediately before the beginning of the period of requisition) shall apply for determining the development value of any interest in that land, with the modification that regard shall be had, not to the actual state of the land immediately before the beginning of the period of requisition, but to what that state would have been at the beginning of that period if the war damage had occurred immediately before the beginning thereof.

7. Where in the case of any requisitioned land the period of requisition ended before the said first day of July but on or after the date of the coming into operation of section ten of the Requisitioned Land and War Works Act, 1948 (which provides for restricting compensation for damage to the land to an amount calculated by reference to the existing use value of the land at the time when it was requisitioned), the development value of any interest in that land shall be determined as if the land had continued to be requisitioned land on the said first day of July and section eighty-nine of the principal Act had applied to it accordingly.

Compensation for abortive expenditure

8. Where the development value of an interest in land, determined apart from this paragraph, would be wholly or partly attributable to the carrying out of work which was subsequently rendered abortive—

(*a*) by an order made before the commencement of this Act whereby permission to develop land was revoked or modified; or

(*b*) by a planning decision made before the commencement of this Act whereby permission to complete buildings or works was refused, or was granted subject to conditions,

and compensation has become payable under subsection (1) of section twenty-two of the principal Act, or, as the case may be, under subsection (1) of section seventy-nine of that Act, in respect of expenditure incurred before the first day of July, nineteen hundred and forty-eight, being expenditure so incurred wholly or partly in the carrying out of that work, then, in determining that development value, there shall be deducted an amount equal to so much of the compensation as was attributable to that work.

Other modifications

9. In determining the development value of an interest in land—

(*a*) no account shall be taken of any enforcement notice taking effect after the commencement of this Act by virtue of section seventy-five of the principal Act (which relates to development contravening planning control under previous enactments);

(*b*) account shall be taken of any enforcement notice taking effect by virtue of that section before the commencement of this Act, notwithstanding that the notice took effect after that development value would apart from this paragraph have been deemed to be finally determined.

10. Where, in determining the development value of an interest in land before the commencement of this Act, Rule (3) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, was disregarded, notwithstanding the provisions of subsection (1) of section sixty-two of the principal Act (which required that Rule, together with other rules, to be applied in determining development values), the said subsection (1) shall apply, and be deemed always to have applied, in relation to the determination of the development value of that interest, as if the reference in that subsection to the said Rule (3) had been omitted.

11. Where a determination made before the commencement of this Act under Part VI of the principal Act related—

(*a*) to the fee simple of a parcel of land and to a leasehold interest in the same or a different parcel of land; or

(*b*) to two or more leasehold interests, whether in the same or in different parcels of land,

the development values of those interests shall be re-determined separately as if that determination had not been made.

1ST SCH. —*cont.*

12. Where a claim was made for a payment under the scheme referred to in subsection (2) of section one of this Act, but payment in respect of the interest to which the claim related would have been excluded by section eighty-five of the principal Act by virtue of a direction given under subsection (5) of the said section eighty-five, the Minister, on application made to him at any time within six months after the commencement of this Act, may direct that the provisions of the principal Act and of this Act shall have effect in relation to that claim as if the direction under subsection (5) of the said section eighty-five had not been given.

Sections 2, 49, 52.

SECOND SCHEDULE

CLAIMS PLEDGED TO CENTRAL LAND BOARD AS SECURITY FOR DEVELOPMENT CHARGES

1.—(1) In this Schedule, and in the other provisions of this Act, references to the pledging of a claim holding to the Central Land Board are references to any transaction whereby—

(*a*) the holder of the claim holding mortgaged it to the Board as security, or part of the security, for one or more development charges determined, or thereafter to be determined, by the Board; or

(*b*) the holder and the Board agreed that a development charge determined by the Board should be set off against any payment which might thereafter become payable to the holder by reference to that holding; or

(*c*) the Board refrained from determining a development charge, which would otherwise have fallen to be determined by them, in consideration of a mortgage of the holding (with or without other claim holdings).

(2) All pledges of claim holdings to the Central Land Board made by the same person, whether or not made at the same time, other than any pledge to which sub-paragraph (1) of paragraph 2 of this Schedule applies, shall for the purposes of this Schedule be treated collectively as a single pledge made at the time when the last of those pledges was made.

(3) Where a development charge covered by a pledge to the Central Land Board was determined in respect of land which constitutes the whole or part of the area of a claim holding not comprised in the pledge, being a holding of which the holder is the person who would, apart from the pledge, be liable to pay the unpaid balance of the development charge, then, for the purposes of this Schedule, that claim holding shall be deemed to be comprised in the pledge.

(4) In this Schedule references to the determination of a development charge in respect of any land are references to a determination of the Central Land Board that the charge was payable in respect of the carrying out of operations in, on, over or under that land, or in respect of the use of that land.

2ND SCH. —*cont.*

(5) For the purposes of this Schedule the amount of a development charge—

(*a*) in a case where the Central Land Board determined that amount as a single capital payment, shall be taken to have been the amount of that payment;

(*b*) in a case where the Board determined that amount otherwise than as a single capital payment, shall be taken to have been the amount of the single capital payment which would have been payable if the Board had determined the amount as such a payment;

and references in this Schedule to the unpaid balance of a development charge are references to the amount of the charge, if no sum was actually paid to the Board on account of the charge, or, if any sum was so paid, are references to the amount of the charge reduced by the amount or aggregate amount of the sum or sums so paid, other than any sum paid by way of interest.

(6) In relation to the pledging of a claim holding to the Central Land Board, references in this Schedule to a development charge covered by the pledge are references to a development charge the payment of which was secured, or partly secured, by the pledge, or, as the case may be, which was agreed to be set off against any payment which might become payable by reference to the holding.

(7) References in this Schedule to a mortgage of a claim holding do not include a mortgage which has been discharged.

2.—(1) Where a claim holding was pledged to the Central Land Board in accordance with the special arrangements relating to owners of single house plots, the claim holding shall, subject to the next following sub-paragraph, be deemed to have been extinguished as from the time when it was pledged to the Board.

(2) Where a claim holding (in this sub-paragraph referred to as "the original holding") was pledged as mentioned in the preceding sub-paragraph, but was so pledged by reference to a plot of land which did not extend to the whole of the area of the original holding, the preceding sub-paragraph shall not apply, but there shall be deemed to have been substituted for the original holding, as from the time of the pledge, a claim holding with an area consisting of so much of the area of the original holding as was not comprised in that plot of land, and with a value equal to that fraction of the value of the original holding which then attached to so much of the area of the original holding as was not comprised in that plot.

3. Without prejudice to the last preceding paragraph, where a pledge to the Central Land Board comprised one or more claim holdings, and the unpaid balance of the development charge covered by the pledge, or (if more than one) the aggregate of the unpaid balances of the development charges so covered, was equal to or greater than the value of the claim holding, or the aggregate value of the claim holdings, as the case may be, the holding or holdings shall be deemed to have been extinguished as from the time of the pledge.

4. Where a pledge to the Central Land Board comprised only a single claim holding with an area of which every part either consisted of, or formed part of, the land in respect of which some

2ND SCH. —*cont.*

development charge covered by the pledge was determined, and the last preceding paragraph does not apply, the unpaid balance of the development charge covered by the pledge, or, if more than one, the aggregate of the unpaid balances of all the development charges covered by the pledge, shall be deducted from the value of the holding, and the value of that holding shall be deemed to have been reduced accordingly as from the time of the pledge.

5.—(1) The provisions of this paragraph shall have effect in the case of a pledge of one or more claim holdings to the Central Land Board to which neither of the two last preceding paragraphs applies.

(2) Any claim holding comprised in the pledge with an area of which every part either consisted of, or formed part of, the land in respect of which some development charge covered by the pledge was determined shall be allocated to the development charge in question or, if more than one, to those development charges collectively.

(3) Any claim holding comprised in the pledge with an area part of which did, and part of which did not, consist of, or form part of, such land as aforesaid shall be treated as if, at the time of the pledge, the claim holding (in this sub-paragraph referred to as " the parent holding ") had been divided into two separate claim holdings, that is to say—

(*a*) a claim holding with an area consisting of so much of the area of the parent holding as consisted of, or formed part of, such land as aforesaid and with a value equal to that fraction of the value of the parent holding which then attached to that part of the area of the parent holding ; and

(*b*) a claim holding with an area consisting of the residue of the area of the parent holding and with a value equal to that fraction of the value of the parent holding which then attached to the residue of the area of the parent holding,

and the claim holding referred to in head (*a*) of this sub-paragraph shall be allocated to the development charge in question, or, if more than one, to those development charges collectively.

(4) Paragraph 3 or 4 of this Schedule shall then apply in relation to each claim holding, if any, allocated in accordance with the two last preceding sub-paragraphs to any development charge, or to any development charges collectively, as if the pledge had comprised only that claim holding and had covered only that development charge or those development charges.

(5) If after the application of the preceding provisions of this paragraph there remains outstanding any claim holding not allocated in accordance with those provisions, or any claim holding so allocated which has been reduced in value but not extinguished, an amount equal to the aggregate of—

(*a*) the unpaid balance of any development charge covered by the pledge to which no claim holding was allocated as aforesaid ; and

(*b*) the amount, if any, by which the value of any claim holding allocated as aforesaid which is deemed to have been extinguished falls short of the unpaid balance of the

development charge, or the aggregate of the unpaid balances of the development charges, to which it was so allocated, shall be deducted from the value of the claim holding so remaining outstanding, or, if more than one, shall be deducted rateably from the respective values of those claim holdings, and the value of any such holding shall be deemed to have been reduced accordingly as from the time of the pledge.

THIRD SCHEDULE

Section 2.

PAYMENTS UNDER SECTION FIFTY-NINE OF PRINCIPAL ACT

1.—(1) This Schedule applies to payments which have become payable, or become payable after the commencement of this Act, by virtue of the scheme made under section fifty-nine of the principal Act.

(2) In relation to such a payment, the expression "the payment area" in this Schedule means the land in respect of which the payment became or becomes payable, and references to the amount of the payment shall be construed as references to the principal amount thereof, excluding any interest payable thereon under subsection (3) of section sixty-five of the principal Act.

(3) In this Schedule the expression "the date of the scheme" means the date of the coming into operation of the scheme made under the said section fifty-nine.

2. The provisions of this Schedule shall have effect where a payment to which this Schedule applies has become, or becomes, payable in respect of an interest in land and a claim holding related, or would apart from this Schedule have related, to the like interest in the whole or part of that land with or without any other land.

3. If the payment area is identical with the area of the claim holding, then—

(*a*) if the amount of the payment is equal to the value of the claim holding, the claim holding shall be deemed to have been extinguished as from the date of the scheme;

(*b*) if the amount of the payment is less than the value of the claim holding, the value of the claim holding shall be deemed to have been reduced, as from the date of the scheme, by the amount of the payment.

4.—(1) If the payment area forms part of the area of the claim holding, the holding (in this paragraph referred to as "the parent holding") shall be treated, as from the date of the scheme, as having been divided into two claim holdings, that is to say—

(*a*) a claim holding with an area consisting of that part of the area of the parent holding which constituted the payment area, and with a value equal to that fraction of the value of the parent holding which attached to that part of the area of the parent holding; and

3RD SCH. —*cont.*

(*b*) a claim holding with an area consisting of the residue of the area of the parent holding, and with a value equal to that fraction of the value of the parent holding which attached to the residue of the area of the parent holding.

(2) Where the preceding sub-paragraph applies, the last preceding paragraph shall have effect in relation to the claim holding referred to in head (*a*) of the preceding sub-paragraph as if it were the parent holding.

5. If the payment area includes the area of the claim holding together with other land, paragraph 3 of this Schedule shall apply as if—

(*a*) the payment area had been identical with the area of the claim holding; but

(*b*) the amount of the payment had been so much of the actual amount thereof as might reasonably be expected to have been attributed to the area of the claim holding if, under the scheme made under section fifty-nine of the principal Act, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it as between the area of the claim holding and the rest of the payment area.

6. If the payment area includes part of the area of the claim holding together with other land not comprised in the area of the claim holding—

(*a*) paragraph 4 of this Schedule shall apply as if the part of the payment area comprised in the area of the claim holding had been the whole of the payment area; and

(*b*) the last preceding paragraph shall apply as if the part of the area of the claim holding comprised in the payment area had been the whole of the area of the claim holding.

Sections 18, 65.

FOURTH SCHEDULE

CALCULATION OF VALUE OF PREVIOUS DEVELOPMENT OF LAND

1. Where under any provision of this Act the value of any development of land initiated before a time referred to in that provision has to be ascertained with reference to that time, the value of the development shall be calculated in accordance with the provisions of this Schedule.

2. The said value shall be calculated by reference to prices current at the time in question—

(*a*) as if the development had not been initiated but the land had remained in the state in which it was immediately before the development was initiated; and

(*b*) on the assumption that (apart from the principal Act) the development could at that time lawfully be carried out.

4TH SCH. —*cont.*

and shall be taken to be the difference between the value which in those circumstances the land would have had at that time if permission for that development had been granted unconditionally immediately before that time and the value which in those circumstances the land would have had at that time if permission for that development had been applied for and refused immediately before that time, and it could be assumed that permission for that development, and any other new development of that land, would be refused on any subsequent application:

Provided that, if the development involved the clearing of any land, the reference in sub-paragraph (*a*) of this paragraph to the state of the land immediately before the development shall be construed as a reference to the state of the land immediately after the clearing thereof but before the carrying out of any other operations.

3. If the development was initiated in pursuance of planning permission granted subject to conditions, the last preceding paragraph shall apply as if the reference to the granting of permission unconditionally were a reference to the granting of permission subject to the like conditions.

4. If the permission referred to in the last preceding paragraph was granted subject to conditions which consisted of, or included, a requirement expressed by reference to a specified period, the reference in that paragraph to the like conditions shall be construed, in relation to the condition imposing that requirement, as a reference to a condition imposing the like requirement in respect of a period of like duration beginning at the time in question.

5. In the application of the preceding provisions of this Schedule to development initiated, but not completed, before the time in question, references to permission for that development shall be construed as references to permission for so much of that development as had been carried out before that time.

FIFTH SCHEDULE

Section 31.

APPORTIONMENT OF UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

Determination of relevant area

1.—(1) Where, in the case of a compulsory acquisition to which Part III of this Act applies, any area of the relevant land which, immediately before the service of the notice to treat, has an unexpended balance of established development value does not satisfy the conditions set out in the next following sub-paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies those conditions.

(2) The conditions referred to in the preceding sub-paragraph are—

(*a*) that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole thereof; and

(*b*) that any rentcharge charged on the area in question is charged on the whole thereof.

5TH SCH. —*cont.*

(3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the conditions set out in the last preceding sub-paragraph is in this Schedule referred to in relation to the interests subsisting therein as "the relevant area", and the subsequent provisions of this Schedule shall have effect separately in relation to each relevant area.

Preliminary calculations

2. There shall be calculated the amount referable to the relevant area of the rent which might reasonably be expected to be reserved if the relevant land were to be let on terms prohibiting the carrying out of any new development but permitting the carrying out of any other development; and the amount so calculated is in this Schedule referred to as "the existing use rent".

3.—(1) If—

(*a*) in the case of an interest in fee simple which is subject to a rentcharge; or

(*b*) in the case of a tenancy,

so much of the rent reserved under the rentcharge or tenancy as is referable to the relevant area exceeds the existing use rent, there shall be calculated the capital value of the right to receive for the period of the remainder of the term of the rentcharge or tenancy an annual payment equal to the excess; and any amount so calculated in the case of any interest is in this Schedule referred to as "the rental liability" of that interest.

(2) Where the interest in fee simple is subject to more than one rentcharge, then, for the purposes of the preceding sub-paragraph, as respects any period included in the term of two or more of those rentcharges, those two or more rentcharges shall be treated as a single rentcharge charged on the relevant area for the duration of that period with a rent reserved thereunder of an amount equal to the aggregate of so much of their respective rents as is referable to the relevant area.

4. In the case of any interest in reversion—

(*a*) there shall be calculated the capital value as at the time immediately before the service of the notice to treat of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the expiration of the tenancy upon the termination of which the interest in question is immediately expectant; and the amount so calculated in the case of any interest is in this Schedule referred to as "the reversionary development value" of that interest;

(*b*) if so much of the rent reserved under the tenancy aforesaid as is referable to the relevant area exceeds the existing use rent, there shall also be calculated the capital value as at the time aforesaid of the right to receive for the period of the remainder of the term of that tenancy an annual payment equal to the excess; and any amount so determined in the case of any interest is in this Schedule referred to as "the rental increment" of that interest.

Apportionment of unexpended balance between interests

5TH SCH. —*cont.*

5. Where two or more interests other than excepted interests subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable to each respectively of those interests shall be taken to be the following, that is to say—

(*a*) in the case of the interest in fee simple, an amount equal to the reversionary development value of that interest less the amount, if any, by which any rental liability of that interest exceeds any rental increment thereof;

(*b*) in the case of a tenancy in reversion, an amount equal to the reversionary development value of that tenancy less the aggregate of—

(i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy; and

(ii) the amount, if any, by which any rental liability of that tenancy exceeds any rental increment thereof;

(*c*) in the case of a tenancy other than a tenancy in reversion, the remainder, if any, of the said balance after the deduction of the aggregate of—

(i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy; and

(ii) any rental liability of that tenancy.

Interpretation

6. In this Schedule—

(*a*) the expression "tenancy" does not include an excepted interest;

(*b*) any reference to an interest or tenancy in reversion does not include an interest or tenancy in reversion immediately expectant upon the termination of an excepted interest.

SIXTH SCHEDULE

Sections 34, 67.

SPECIAL CLASSES OF LAND FOR WHICH PLANNING PERMISSION IS TO BE TAKEN INTO ACCOUNT ON COMPULSORY ACQUISITION

1. Land which, on the date of service of the notice to treat, is land to which section eighty-two of the principal Act applies.

2. Land acquired by a local authority under Part I of the Town and Country Planning Act, 1944, or under Part IV of the principal Act, for the purposes of the development or re-development of any area as a whole, and land appropriated by a local authority for those purposes, where the relevant interest is the interest of that authority in that land.

3. Land acquired by a development corporation under the New Towns Act, 1946, where the relevant interest is the interest of that corporation in that land.

6TH SCH. —*cont.*

4. Land which, on the date of service of the notice to treat, is operational land of statutory undertakers, where the relevant interest is the interest of those undertakers in that land.

5. Land which, on the date of service of the notice to treat, is land of the National Coal Board of a class specified in regulations made under section ninety of the principal Act, where the relevant interest is the interest of the National Coal Board in that land.

6. Land to which section eighty-five of the principal Act applies on the date of service of the notice to treat and applied on the first day of July, nineteen hundred and forty-eight.

7. Land which would have been such land as is referred to in any of the preceding paragraphs if the notice to treat had been served on the date of the granting of the planning permission in question.

8. Land to which, by virtue of a direction of the Minister under subsection (5) of section eighty-five of the principal Act, any of the provisions of that section applied on the date of the granting of the planning permission in question.

Section 71.

SEVENTH SCHEDULE

ENACTMENTS AMENDED

The Town and Country Planning Act, 1947 (10 & 11 *Geo.* 6. *c.* 51)

1. In section twenty, in subsection (4), at the end there shall be added the words "if Part III of the Town and Country Planning Act, 1954, had not been passed".

2. In section ninety-five, in subsection (3), for the words "either of the two last foregoing sections" there shall be substituted the words "section ninety-three of this Act".

3. The following subsection shall be substituted for subsection (2) of section one hundred and twelve:—

"(2) For the purposes of paragraph 3 of the said Third Schedule—

(*a*) the erection on land within the curtilage of any such building as is mentioned in that paragraph of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and

(*b*) where any two or more buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking, the reference in the said paragraph 3 to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings."

4. In the Third Schedule—

(*a*) in paragraph 1, after the words "such building)" there shall be inserted the words "and of any other building in existence at a material date, being a building erected after the appointed day";

7TH SCH. —*cont.*

(*b*) in paragraphs 2, 4 and 8, for the words "on the appointed day" there shall in each case be substituted the words "at a material date";

(*c*) in paragraph 6, for the words "on the appointed day" there shall be substituted, in the first place where those words occur, the words "at a material date" and, in the second place where those words occur, the words "on and at all times since the appointed day";

(*d*) in paragraph 7, for the words "on the appointed day" in the first place where they occur there shall be substituted the words "at a material date", and after the said words in the second place where they occur there shall be inserted the words "or on the day thereafter when the buildings began to be so used";

(*e*) after paragraph 8 there shall be added the following—

"9. In this Schedule, the expression "at a material date" means at either of the following dates, that is to say—

(*a*) the appointed day; or

(*b*) the date by reference to which this Schedule falls to be applied in the particular case in question:

Provided that sub-paragraph (*b*) of this paragraph shall not apply in relation to any building, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.

10. Where, after the appointed day, any buildings or works have been erected or constructed, or any use of land has been instituted, and any condition imposed under Part III of this Act limiting the period for which those buildings or works may be retained or that use may be continued is of effect in relation thereto, this Schedule shall not operate except as respects the period specified in that condition."

The National Parks and Access to the Countryside Act, 1949
(12, 13 & 14 *Geo.* 6, *c.* 97)

5. In section ninety-seven, in subsection (5), for the words "section ninety-four," there shall be substituted the words "section ninety-three."

The Mineral Workings Act, 1951
(14 & 15 *Geo.* 6. *c.* 60)

6. In section three, in subsection (2) for the words "one penny and one-eighth" there shall be substituted the words "twopence farthing" and at the end of the subsection there shall be added the following:—

"Provided that as respects—

(*a*) ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease; and

7TH SCH. —*cont.*

(*b*) ironstone in respect of which an order under section seven of this Act was in force immediately before the commencement of section fifty-six of the Town and Country Planning Act, 1954; and

(*c*) ironstone specified in an order in force under subsection (1) of the said section fifty-six,

the rate of the contributions so payable shall be one penny and one-eighth for each ton so weighed.

(2A) Where, under subsection (2) of this section, contributions at the rate of twopence farthing per ton are payable by a lessee under a mining lease or by the person granted a right to work minerals by an order under Part I of the Mines (Working Facilities and Support) Act, 1923, a sum, computed in accordance with the provisions of the Third Schedule to this Act, may, notwithstanding anything in the lease or order, be deducted in accordance with the provisions of that Schedule from payments by the lessee under the lease or by that person under the order, or may be otherwise recovered in accordance with those provisions by the lessee or by that person:

Provided that this subsection shall not apply to any mining lease made after the fifteenth day of February and before the first day of August, nineteen hundred and fifty-one, which contained a provision expressly excluding the operation of paragraph (*b*) of subsection (2) of section six of this Act."

7. In the Third Schedule—

(*a*) in paragraph 1, for the words "the rate required under section six of this Act" there shall be substituted the words "the rate of twopence farthing per ton";

(*b*) in paragraphs 3 and 4, for the words "the first day of July, nineteen hundred and fifty-one" there shall be substituted the words "the date of the commencement of section fifty-six of the Town and Country Planning Act, 1954";

(*c*) in paragraph 7 for the words "paragraph (*b*) of subsection (2) of section six" there shall be substituted the words "subsection (2A) of section three", and for the words "the said paragraph (*b*)" there shall be substituted the words "the said subsection (2A)"; and

(*d*) after paragraph 7 there shall be added the following—

"8. This Schedule shall apply with any necessary adaptations in relation to an order under Part I of the Mines (Working Facilities and Support) Act, 1923, as if that order were a lease and the person granted thereby a right to work minerals were the lessee under that lease".

The Town and Country Planning Act, 1953
(1 & 2 *Eliz.* 2. *c.* 16)

8. In section two, in paragraph (*b*) of the proviso to subsection (1), for the words "pending the coming into operation of such an Act" there shall be substituted the words "subject to the provisions of the Town and Country Planning Act, 1954."

EIGHTH SCHEDULE

Section 71.

ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of repeal
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section twenty-two, the proviso to subsection (1), subsection (5), and in subsection (6) the words from "or a" to "section twenty of this Act" and the words from "or as" to "said section twenty"; subsections (3) and (4) of section eighty-three; section ninety-four; in section ninety-five, subsection (1), and the words "or section ninety-four" in subsection (2); and subsection (4) of section one hundred and nineteen.
14 & 15 Geo. 6. c. 60.	The Mineral Workings Act, 1951.	Sections five to seven; sections twenty-nine and thirty; subsection (1) of section thirty-one; in section thirty-nine, the words "section seven" in subsection (1), and in subsection (2) the words from "an order" to "or containing"; and the Second Schedule.
1 & 2 Eliz. 2. c. 16.	The Town and Country Planning Act, 1953.	In section two, in the proviso to subsection (1), paragraph (*a*), and in paragraph (*b*) the word "but" and sub-paragraph (ii); and in section three, paragraph (*a*) of subsection (1) and subsections (5) and (7).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Licensing (Consolidation) Act, 1910 ...	10 Edw. 7. & 1 Geo. 5. c. 24.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Mines (Working Facilities and Support) Act, 1923	13 & 14 Geo. 5. c. 20.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Universities and College Estates Act, 1925 ...	15 & 16 Geo. 5. c. 24.
Town and Country Planning Act, 1932 ...	22 & 23 Geo. 5. c. 48.
Restriction of Ribbon Development Act, 1935	25 & 26 Geo. 5. c. 47.
Compensation (Defence) Act, 1939	2 & 3 Geo. 6. c. 75.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Town and Country Planning Act, 1944 ...	7 & 8 Geo. 6. c. 47.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Requisitioned Land and War Works Act, 1948	11 & 12 Geo. 6. c. 17.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.
Town and Country Planning Act, 1953 ...	1 & 2 Eliz. 2. c. 16.

CHAPTER 73

Town and Country Planning (Scotland) Act, 1954

ARRANGEMENT OF SECTIONS

PART I

SPECIAL PAYMENTS FOR DEPRECIATION OF LAND VALUES

Section
1. Payments by reference to established claims.
2. Claim holdings, their areas and values, and apportionment of values between parts of areas.
3. Payment where development charge incurred by claim-holder or his predecessor in title (Case A).
4. Supplementary provisions relating to development charges.
5. Payment where land compulsorily acquired or sold at price wholly or partly excluding development value (Case B).
6. Supplementary provisions relating to compulsory acquisitions and to sales.