STATUTORY INSTRUMENTS

1963 No. 798

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Compensation and Certificates) Regulations 1963

Made - - - -	10*th April* 1963
Laid before Parliament	23*rd April* 1963
Coming into Operation	1*st May* 1963

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The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 99, 108 (3), 110 (1) and (2), 116, 121 (3), 217 and 225 of the Town and Country Planning Act 1962(a) and of all other powers enabling him in that behalf, hereby makes the following regulations: —

PART I

General

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Compensation and Certificates) Regulations 1963 and shall come into operation on 1st May 1963.

Interpretation

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

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely: —

"the Act" means the Town and Country Planning Act 1962:

"the Act of 1954" means the Town and Country Planning Act 1954(c):

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

"local planning authority" does not include an authority to whom functions under Part III of the Act have been delegated:

(a) 10 & 11 Eliz. 2. c. 38. (b) 52 & 53 Vict. c. 63. (c) 2 & 3 Eliz. 2. c. 72.

"the claimant" means the person by or on whose behalf a claim for compensation is made under Part VI of the Act:

"original applicant" means a person entitled to exercise the right to claim compensation under Part VI of the Act, apart from these regulations:

"rentcharge payment" and "rentcharge claim" mean respectively a sum payable by the Minister out of compensation under Part VI of the Act to which a rentcharge owner is entitled, if he makes a claim in that behalf under Schedule 2 to these regulations and a claim for a rentcharge payment:

"new apportionment" means an apportionment which relates wholly or partly to any matter to which no previous apportionment, as defined by section 221 (1) of the Act, related.

PART II

Claims for Compensation under Part VI of the Act

Form and delivery of claim

3. A claim for compensation under Part VI of the Act shall be made in the form, or substantially in the form, prescribed by Schedule 1 to these regulations and shall be sent to the local authority making the decision or order in respect of which the claim is made.

Action by local authorities

4.—(1) The authority shall in transmitting the claim to the Minister furnish to the Minister:—

(*a*) any evidence and other information provided by the claimant in relation to the claim;

(*b*) where the claim relates to a planning decision of the authority, particulars of the application for planning permission and a copy of the planning decision;

(*c*) where the planning decision to which the claim relates was determined by the Minister on a reference under section 22 of the Act, or on an appeal under section 23 of the Act, brief particulars of such decision and the Minister's reference number, if known;

and where the authority is one to whom functions under Part III of the Act have been delegated, they shall give notice of the claim to the local planning authority.

(2) The local planning authority shall as soon as may be after the receipt of the claim or notice thereof furnish to the Minister a statement as to the provisions of the development plan so far as material thereto and as to any more favourable decision or permission for alternative development which could in their opinion be given pursuant to section 25 of the Act, and shall also furnish from time to time such other information as the Minister may require for the exercise of his powers under that section.

Supporting material

5. If required by the Minister by a direction in writing:

(*a*) to provide evidence (which may include a statutory declaration) in connection with any particulars required to be supplied by the form prescribed by regulation 3 of these regulations;

(*b*) to provide further information as to his interest in the land to which the claim relates; or

(*c*) to provide further information as to the interests of any other persons,

the claimant shall furnish to the Minister such evidence or information as is available to him within such period (not being less than 30 days) as the Minister may specify in the direction.

Determination of compensation

6.—(1) Unless the claim is withdrawn, and subject to any modification made or having effect under section 109 of the Act, the Minister shall cause such investigations to be made and such steps to be taken as he may deem requisite for a proper determination of the claim.

(2) The Minister shall as soon as practicable thereafter cause to be prepared findings as to the amount (if any) which he determines as the amount of the compensation to be paid under the Act in respect of the said claim, and (except in a case where he determines that no compensation shall be paid in respect of the said claim, in which case the findings shall state such determination and the reason therefor) such findings shall state the depreciation in value of the claimant's interest and the amounts of the unexpended balances of established development value by reference to which the Minister determines the amount of the compensation to be paid in respect of the said claim.

(3) Where the claimant has failed to furnish any particulars or evidence required by the Minister under regulation 5 of these regulations, the Minister may defer the determination of the claim until after such particulars and evidence have been duly furnished, or if he at any time thinks fit may determine the claim notwithstanding such failure, and in so doing may disregard any particulars already supplied by the claimant to which such requirement had reference.

(4) The Minister shall give notice of his findings to the claimant, and to every other person (if any) who has made and not withdrawn a claim for compensation in respect of the same planning decision, and, in a case where the findings include an apportionment, the Minister shall give particulars of such apportionment to any other person entitled to an interest in land which it appears to the Minister is substantially affected by the apportionment.

Disputes

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

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

(3) The claimant and any other person to whom notice of the findings has been given and, so far as the dispute relates to an apportionment, any other person to whom particulars of that apportionment have been given or who

establishes that he is entitled to an interest in land which is substantially affected by that apportionment shall, on compliance with the rules of the Lands Tribunal for the time being in force, be afforded an opportunity to be heard in any dispute before the Lands Tribunal under this regulation.

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

Revision of findings by agreement

8.—(1) If at any time after notice of a dispute has been given under the last preceding regulation the Minister, the claimant and every other person to whom notice of the findings has been given and, so far as the reference relates to an apportionment, all other persons to whom particulars of that apportionment have been given or who are parties to the reference shall in writing agree the amount and distribution of the compensation to be paid under the Act, or, as the case may be, particulars of the apportionment, then on withdrawal of the reference the Minister may revise the findings in accordance with such agreement and shall give notice of such revised findings in the manner prescribed by paragraph (4) of regulation 6 of these regulations.

(2) Where no notice of a dispute in respect of any findings of the Minister is given under the last preceding regulation within the time limited in that behalf or where all references relating to such findings are withdrawn, then the findings or, in a case falling within paragraph (1) of this regulation, the revised findings shall be treated as conclusive for the purposes of section 110 and section 111 of the Act.

PART III

Claims by Mortgagees

9.—(1) This regulation applies to any compensation payable under Part VI of the Act, where, at the time when the right to claim the compensation has become exercisable, the said right is exercisable by reference to an interest in land, as defined in section 88 (4) of the Act, which is subject to a mortgage created before 1st July 1948 or on or after 1st January 1955 and the moneys secured thereby have not been paid in full or charged exclusively on other land:

Provided that this regulation shall have effect, as regards any mortgage created on or after 1st January 1955, subject to any provision to the contrary in that mortgage.

(2) Where the Minister has received from an original applicant a claim for any compensation to which this regulation applies and it appears to the Minister that a mortgagee would be entitled on compliance with paragraph (3) of this regulation to receive the compensation or part of the compensation under paragraph (5) hereof the Minister shall give notice to that mortgagee that such a claim has been made, and shall send a copy of the notice to any other mortgagee who might in his opinion be so entitled if he had priority and any such notice or copy may be sent to the last known address of any such mortgagee or his agent.

(3) Any mortgagee who has received a notice or copy under the last preceding paragraph and who may be entitled to receive in accordance with paragraph (5) of this regulation any compensation or part of any compensation to which this regulation applies, shall if he wishes to receive such payment or part notify the Minister in writing within thirty days of the date of the notice, declaring that the moneys secured by the mortgage have not been

paid in full or charged exclusively on other land, stating whether any other mortgagee has priority to him, and giving particulars of the interest to which the mortgage relates or related.

(4) Where an original applicant has failed to claim any compensation to which this regulation applies within the period prescribed in that behalf by the Act, the right to claim shall, in so far as it is exercisable by reference to any interest in land which is, or was, subject to a mortgage and subject to the allowing of an extended or further extended period by the Minister, be exercisable by a mortgagee of the said interest, and where such right is so exercised paragraphs (2) and (3) of this regulation shall apply as if that mortgagee were an original applicant as well as a mortgagee and the original applicant shall be entitled, subject as aforesaid, to claim compensation only in respect of his interest in the part of the land (if any) not subject to the mortgage.

(5) Subject to the foregoing provisions of this regulation and to paragraph (7) hereof where any compensation to which this regulation applies falls to be paid and the moneys secured by the mortgage have not been paid in full or charged exclusively on other land comprised in the mortgage, the compensation shall be paid to the mortgagee who has given notice to the Minister under paragraph (3) of this regulation, or where there is more than one such mortgagee, to the mortgagee having priority, and in either case the mortgagee shall be liable to account therefor as if such compensation had been proceeds of sale of the interest in land subject to the mortgage, or which was so subject, arising under a power of sale exercised by that mortgagee on the date when the compensation is paid:

Provided that where the rights of the mortgagee extend or extended only to part of the land by reference to which the compensation falls to be paid, this paragraph shall have effect in relation only to so much of the compensation as is attributable to the land subject to the mortgage, or which was so subject.

(6) Notwithstanding anything contained in the last preceding paragraph, where no mortgagee has notified the Minister in accordance with paragraph (3) of this regulation that he wishes to receive any compensation the Minister may pay the compensation to the person otherwise entitled thereto.

(7) The Minister may require any mortgagee, empowered by these regulations or by regulations revoked by these regulations to give any notice or claim any compensation, to provide further particulars or evidence in support of his notice or claim (including further information as to any relevant interest in land and as to any other persons interested in such land) and the mortgagee shall furnish any particulars or evidence available to him within thirty days of any such requirement.

PART IV

Claims by Rentcharge owners

Rentcharge claims

10.—(1) Where the Minister receives from an original applicant a claim for any compensation payable under Part VI of the Act and that compensation is claimed by reference to an interest in land which is subject to a rentcharge created either before 1st July 1948, or on or after 1st January 1955, the Minister shall give to any rentcharge owner appearing to him to be entitled to a rentcharge payment notice of the fact that such a claim has been made, and such notice may be sent to the last known address of any such rentcharge owner or his agent.

(2) Any rentcharge owner who has received a notice under the last preceding paragraph and who is entitled to receive any rentcharge payment shall make a rentcharge claim to the Minister within thirty days of the date of the said notice.

(3) Any rentcharge claim shall be in writing and shall state :—

(*a*) the name and address of any agent whom the rentcharge owner appoints to act for him in connection with the payment of a rentcharge payment ;

(*b*) the names and addresses of the owner of the charged land and the rentcharge owner ;

(*c*) the amount of the rentcharge ;

(*d*) the date when the rentcharge was created ;

(*e*) particulars of the charged land, including if necessary such a plan of suitable size as may be requisite to identify the land ; and

(*f*) particulars of any other rentcharge affecting the charged land known to the rentcharge owner.

(4) Where an original applicant has failed to claim any such compensation within the period prescribed in that behalf, the right to claim compensation shall, subject to the allowing of an extended or further extended period by the Minister, be exercisable by any rentcharge owner, in so far as it is necessary to enable a rentcharge payment to be made to him or any other rentcharge owner, as if he were an original applicant, and such rentcharge owner shall with his claim under Part VI of the Act furnish to the Minister a rentcharge claim ; and where such right is so exercised, the original applicant shall be entitled to any compensation found to be payable in respect of the charged land in excess of any rentcharge payments, and subject as aforesaid may claim compensation only in respect of his interest in the part of the land (if any) not subject to the rentcharge.

(5) The Minister may require any rentcharge owner, empowered by these regulations or by regulations revoked by these regulations to make a rentcharge claim, to provide further particulars or evidence in support of his claim (including further information as to any relevant interest in land and as to any other persons interested in such land) and the rentcharge owner shall furnish any particulars or evidence available to him within thirty days of any such requirement.

Determination of payments

11. The provisions of Schedule 2 to these regulations (being provisions substantially corresponding, subject to the necessary modifications, with those of section 25 of the War Damage Act 1943(a), and of Part I of Schedule 4 to that Act) shall have effect for the purpose of determining whether a rentcharge payment is payable in respect of a rentcharge claim, and the amount of any such payment.

Disputes

12.—(1) Where a rentcharge claim has been duly made under paragraph (2) or paragraph (4) of regulation 10 in respect of a rentcharge (in this regulation referred to as " the rentcharge in question ") the Minister shall, on giving notice of his findings as to the amount of compensation, send a notice (in this regulation referred to as " a rentcharge notice ") to the original applicant and the owner of the rentcharge in question.

(a) 6 & 7 Geo. 6. c. 21.

(2) A rentcharge notice shall specify :—

(*a*) the amount of the rentcharge payment which the Minister has determined to be payable in respect of the rentcharge in question, the annual equivalent of the rentcharge payment and the manner in which such amount and value have been ascertained under Schedule 2 to these regulations ; and

(*b*) the amount of any rentcharge payment which the Minister has determined to be payable in respect of any prior rentcharge or would have so determined on a rentcharge claim by that rentcharge owner :

Provided that where no rentcharge payment is payable, the notice shall specify that fact as if an amount were determined to be payable.

(3) Subject to paragraph (5) of this regulation, if any person to whom a rentcharge notice has been sent wishes to dispute any part of that notice, he may, within thirty days of the issue of the rentcharge notice, give in writing to the Lands Tribunal a notice of dispute specifying the part or parts of the rentcharge notice to which the dispute relates, and thereupon the dispute shall be referred to the Lands Tribunal.

(4) Where a notice of dispute has been given under the last preceding paragraph, the Minister shall notify the other person to whom the rentcharge notice was sent, and, where the dispute relates to or affects a rentcharge payment in respect of a rentcharge other than the rentcharge in question, shall notify the owner of that rentcharge.

(5) Where after receipt of a rentcharge notice any person signifies in writing to the Minister his agreement to that notice, he shall not thereafter be entitled to give a notice of dispute under paragraph (3) of this regulation.

(6) The original applicant and the owner of the rentcharge in question and, so far as the dispute relates to or may affect the amount of a rentcharge payment in respect of a rentcharge other than the rentcharge in question, the owner of that rentcharge, shall, on compliance with the rules of the Lands Tribunal for the time being in force, be afforded an opportunity to be heard in any dispute before the Lands Tribunal under this regulation.

(7) The Lands Tribunal shall by their decision either confirm or vary the rentcharge notice relating to the rentcharge in question and shall notify the parties of their decision:

Provided that where on a reference of the Minister's findings as to the compensation payable under Part VI of the Act the amount of such compensation has been varied by the Lands Tribunal, that variation shall be taken into account, but, save as aforesaid, the Tribunal shall not by their decision vary such amount.

(8) Where the Lands Tribunal vary a rentcharge notice under the last preceding paragraph, effect shall be given by the Minister to such variation in making any rentcharge payment out of the said compensation whether or not the rentcharge notice relating to that payment has been varied by the Tribunal.

PART V

Claims in respect of Settled Land

13. Where the right to claim any compensation under Part VI of the Act becomes exercisable by reference to an interest in land which is, at the time when the said right is exercisable, subject to a settlement, then—

(*a*) the right to claim compensation shall be exercisable by the trustees of the settlement ;

(*b*) where a claim has been made by reference to such an interest as aforesaid and compensation falls to be paid, the compensation shall be paid to the trustees of the settlement, and to the extent that, as between the persons beneficially interested under the trusts of the settlement, any moneys so received by the said trustees ought to be treated as capital, such moneys shall be applicable as capital money under the Settled Land Act 1925(a), or as proceeds of sale arising under the trust for sale, as the case may be.

PART VI

Contributions by Minister under Part VII of the Act towards compensation payable by authorities for revocation or modification of planning permission

Proposal for contribution

14.—(1) Where the Minister proposes to pay a contribution under section 121 of the Act, he shall prepare a statement of the amount of the contribution showing the manner in which such amount has been ascertained.

(2) The Minister shall send a copy of the said statement to any person appearing to him to have an interest in land to which the proposal relates or an interest which is substantially affected by an apportionment involved in the proposal.

(3) The Minister shall also send a copy of the said statement to every other person who appears to him to be substantially affected by the reduction or extinguishment, as the case may be, of the unexpended balance of established development value of that land.

(4) Any person to whom a copy of the said statement has been sent may within 30 days thereafter give notice in writing to the Minister that he objects to the proposal and shall specify whether his objection is made on the grounds :—

(*a*) that compensation would not have been payable under Part VI of the Act or Part II or Part V of the Act of 1954, as the case may be ; or

(*b*) that the amount of the compensation would have been less than the amount of the proposed contribution ;

and the Minister shall consider such objection.

(5) As soon as may be after giving effect to the preceding provisions of this regulation, the Minister shall determine the amount of the contribution (if any) to be made, and shall serve notice in writing upon every person to whom a copy of the said statement was sent.

Disputes

15.—(1) If any person who objected to the Minister's proposal and did not withdraw his objection wishes to dispute the determination of the Minister under the last preceding regulation, he may within 30 days of the Minister's determination give notice in writing to the Lands Tribunal that he disputes the findings and shall specify whether he objects on the grounds: —

(*a*) that compensation would not have been payable under Part VI of the Act or Part II or Part V of the Act of 1954, as the case may be ; or

(a) 15 & 16 Geo. 5. c. 18.

(*b*) that the amount of the compensation would have been less than the amount of the proposed contribution;

and thereupon the dispute shall be referred to the Lands Tribunal for determination and the Minister shall notify accordingly all other persons to whom notices were given under the last preceding regulation.

(2) All persons to whom notices of any findings have been given shall be entitled to be heard in any dispute before the Lands Tribunal under paragraph (1) of this regulation.

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

Application of provisions of the Act

16.—(1) The provisions of section 94 (1) of the Act as to the reduction or extinguishment of the unexpended balance of established development value shall apply in a case where a contribution is paid under section 121 of the Act as they apply where compensation under Part VI of the Act becomes payable in respect of the depreciation of the value of an interest in land by a planning decision and as if the revocation or modification were such a decision.

(2) Where an amount becomes recoverable under section 114 (6) as applied by section 122 of the Act, section 115 shall apply as if:

(*a*) the reference to compensation specified in a compensation notice were a reference to compensation for depreciation specified in the notice under section 120;

(*b*) the reference to section 114 were a reference to subsection (2) of that section as applied by section 122; and

(*c*) the reference to the compensation attributable to the land were a reference to the Minister's contribution attributable to the land.

PART VII

Applications for Certificates under section 99 of the Act

Applications for certificates under section 99 (1).

17.—(1) An application for a certificate under section 99 (1) of the Act shall be in the form prescribed in Schedule 3 to these regulations, or a form substantially to the like effect, and shall be made by sending the application to the District Valuer of the Inland Revenue Department.

(2) A separate application shall be made in respect of each parcel of land which is in separate occupation or separately rated at the time of the application, except where a certificate is required in respect of two or more contiguous parcels of land by a person entitled to an interest (including a mortgage or rentcharge) in such parcels or for the purposes of a transaction relating thereto.

(3) A certificate issued under the said section 99 (1) shall be in the form prescribed in Schedule 4 to these regulations or a form substantially to the like effect.

Applications for certificates under section 99 (3)

18. An application for a certificate under section 99 (3) of the Act shall be in the form prescribed in Schedule 5 to these regulations, or a form substantially to the like effect, and shall be made by sending the application to the District Valuer of the Inland Revenue Department.

Payment of fees

19.—(1) Subject to the following paragraph of this regulation, the fee of five shillings payable on an application for a certificate under section 99 (1) of the Act shall be paid by attaching to the application form adhesive postage stamps to the value of five shillings.

(2) Where an application involves a new apportionment the further fee of fifteen shillings shall be sent to the Ministry before the certificate is issued, or such further fee may be paid with the initial fee of five shillings by sending with the application a cheque or a money or postal order for the sum of one pound payable to the Ministry and crossed.

PART VIII

Revocation and Saving

20. The Regulations referred to in Schedule 6 to these regulations are hereby revoked but without prejudice to their operation for the purposes of any of the savings and transitional provisions of Schedule 14 to the Act, and any claim, application, proposal or objection which at the coming into operation of these regulations is outstanding shall have effect as if made and be determined under and in accordance with the provisions of these regulations.

SCHEDULE 1

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

CLAIM FOR THE PAYMENT OF COMPENSATION UNDER PART VI OF THE TOWN AND COUNTRY PLANNING ACT 1962

Name and address of claimant (in BLOCK LETTERS)

Surname (State whether Mr., Mrs. or Miss) .....

Other names .....

Postal address .....

Business and any other address .....

Occupation or description .....

If you have a professional adviser or agent to whom you wish communications regarding your claim to be sent, give his name and address here.

1. (i) Address and description of the land with reference to which your claim is made. (You should enclose a map sufficient to identify the boundaries of the land.)	
(ii) What is your interest in this land and when did you acquire it? (State whether freehold or leasehold, and if the latter give short particulars of the lease, including the rent payable.)	
(iii) In what capacity do you claim, e.g., as beneficial owner, trustee, mortgagee or rentcharge owner?	

2. (i) Do you know of any other person who is interested in or has rights over the land, e.g., (*a*) as lessee, (*b*) as mortgagee? If so, give (*a*) name and address of such person and nature of interest or rights; (*b*) date of creation of interest or rights. (ii) Give details of any outgoings affecting the land, other than ordinary rates and taxes.	
3. Has any interest in the land been held by a public authority at any time since 1st July 1948?	
4. Give such particulars as you can (including reference number and date) of the planning decision, which gives rise to your claim for compensation.	
5. Give particulars of any development of the land which has taken place since 1st July 1948, and the date of its commencement.	
6. (i) Do you know whether a claim for a payment out of the £300 million fund under Part VI of the Town and Country Planning Act 1947(a), was established with the Central Land Board in respect of the land to which the present application relates, or part of it? If so, give brief particulars, including the Board's reference number. (ii) Do you know of any application under Part I of the Town and Country Planning Act 1954, made, or pending, in respect of land included in your present claim or in respect of other land comprised in the claim referred to at (i) above? If so, give brief particulars.	

(a) 10 & 11 Geo. 6. c. 51.

7. State what amount you claim as the depreciation in value caused by the planning decision. (Note.—Only land in respect of which a claim was established under Part VI of the Town and Country Planning Act 1947, is eligible for compensation.)	

I declare that all the statements made on this form are true to the best of my knowledge and belief and I hereby claim the payment of such compensation as may be determined to be due to me.

Signature ..... Date .....

SCHEDULE 2

Provisions for Determining Rentcharge Payments

Definitions

1. In this Schedule :—

"the relevant decision" means the planning decision in respect of which the right to claim compensation under Part VI of the Act becomes exercisable ; and

"the material time" means the date of the relevant planning decision determined in accordance with the provisions of section 221 (4) of the Act.

Entitlement to rentcharge payment

2.—(1) Where the right to claim any compensation under Part VI of the Act is exercisable by reference to an interest in land (being either a fee simple or a tenancy granted for a term of one hundred years or more) and—

(*a*) there was subsisting at the material time a rentcharge created either before 1st July 1948, or on or after 1st January 1955 and created out of part or the whole of the area of land by reference to which the said right is exercisable, or out of that land together with other land ; and

(*b*) the amount of the rentcharge so far as attributable to the land subject thereto by reference to which the said right is exercisable (in this Schedule referred to as "the charged land") exceeds the available annual limited value of the charged land ascertained in accordance with paragraph 6 of this Schedule,

then, subject to paragraph 4 of this Schedule, that rentcharge owner shall be entitled, if he makes a rentcharge claim, to receive from the Minister, out of the compensation which falls to be paid under Part VI of the Act, a sum equal to the capital equivalent of the excess:

Provided that the said sum shall not exceed the amount of the said compensation.

(2) Where the interest in land by reference to which the right to claim compensation is exercisable was subject at the material time to more than one such rentcharge as is mentioned in the preceding sub-paragraph, then—

(*a*) where more than one rentcharge owner has made a rentcharge claim the rentcharge payment to each of them who has so claimed shall be so paid out of the compensation that each rentcharge owner receives the payment to which he is entitled, or so much thereof as can be satisfied out of the compensation after rentcharge payments have been made to owners of any rentcharge having priority ;

(*b*) where a rentcharge owner fails to make a rentcharge claim he shall not be entitled to the payment of any sum under this Schedule but the foregoing provisions of this paragraph shall have effect to enable such rentcharge payments to be made to other rentcharge owners as would have been payable if he had made such a claim.

Extinguishment of part of rentcharge

3. Where a rentcharge owner receives any sum under paragraph 2 of this Schedule, so much of the rentcharge as is equal to the annual equivalent of the said sum shall be extinguished on the date on which the said sum is paid, and as between the persons interested in the charged land on the one hand and any other land subject to the rentcharge on the other hand, the proper share of the persons interested in the charged land of the liability for the residue of the rentcharge in respect of any period after the extinguishment shall be treated as being the rentcharge attributable to the charged land, less the annual equivalent of the sum so paid.

Priority between rentcharges and mortgages

4. Where a rentcharge owner makes a rentcharge claim and the right to receive the compensation in respect of the interest in land out of which (or out of which together with any other interest) the rentcharge was created is vested by virtue of the provisions of regulation 9 of these regulations in a mortgagee of that interest, then—

(*a*) if the rentcharge had priority to the mortgage, the sum payable to the mortgagee under regulation 9 shall be reduced by the amount required for giving effect to the right conferred upon the rentcharge owner under paragraph 2 of this Schedule ; and

(*b*) if the mortgage had priority to the rentcharge, the Minister shall, when making the payment of any compensation to a mortgagee in pursuance of regulation 9, give to that mortgagee notice of—

(i) the name and address of the rentcharge owner who has claimed the rentcharge payment, or, if that owner has appointed any agent to act for him in connection with the payment of such a sum, the name and address of that agent ; and

(ii) the amount of the rentcharge payment which the Minister, or the Lands Tribunal if any dispute has been referred to them, has determined to be payable to the rentcharge owner out of compensation,

and the mortgagee to whom the compensation is paid under regulation 9 shall give effect to the right conferred by paragraph 2 of this Schedule on the rentcharge owner out of the sum to which the person who would have been entitled to the compensation apart from regulation 9 will become entitled under the provisions of paragraph (5) of regulation 9 relating to a mortgagee accounting for any compensation as if it were proceeds of a sale.

Provisions as to registered land

5. In cases in which the title to a rentcharge or to land subject thereto is registered under the Land Registration Act 1925(a), such provision may, without prejudice to the generality of section 144 of that Act, be made by rules under that section as may be expedient in consequence of the provisions of this Schedule, and in particular for securing (by the imposition of conditions as to the exercise of the right thereby conferred or otherwise) that the extinguishment of any part of a rentcharge by virtue of this Schedule shall not take effect without notice thereof being entered in the register.

(a) 15 & 16 Geo. 5. c. 21.

Computation of rentcharge payment

6. The following provisions of this paragraph shall have effect for the purpose of ascertaining the amounts and values mentioned in the foregoing paragraphs of this Schedule, that is to say—

(*a*) the annual limited value of the charged land shall—

(i) if the charged land is co-terminous with or greater in area than the land by reference to which compensation under Part VI of the Act falls to be paid, be taken to be five per cent. of the value of that land after the relevant decision;

(ii) if the charged land is part of the land by reference to which the said compensation falls to be paid, be determined by apportioning to the charged land the appropriate part of the said percentage of the said value,

and, in either case, the charged land shall be treated as if it were free from incumbrances, but subject to any easement or other restriction affecting the land at the material time;

(*b*) the available annual limited value of the charged land shall be taken to be the annual limited value thereof less the amount so far as attributable to any of the charged land, of—

(i) any rentcharge having priority to the rentcharge in question to which the fee simple in the charged land was subject at the material time, or, where that rentcharge was created out of a tenancy of the land, to which either the fee simple therein or that tenancy or any superior tenancy thereof was subject at that time; and

(ii) where that rentcharge was created out of a tenancy of the charged land, the rent reserved by the lease for the year current at the material time:

Provided that in ascertaining the available annual limited value of the charged land no deduction shall be made from the annual limited value thereof in respect of any such amount as aforesaid, in so far as the owner of the rentcharge in question is liable for the payment of that amount as between himself and the owner of the interest out of which the rentcharge was created;

(*c*) the amount attributable to any land of a rentcharge, or of rent reserved by a lease, shall, where at the material time that land was the only land subject to the rentcharge, or out of which the rent issued, be taken to be the whole amount of the rentcharge payable or of the rent reserved for the year current at the said time, and where the charged land was not the only land subject to the rentcharge, shall be determined by apportioning or allocating to that land so much (if any) of the whole amount as may be appropriate having regard—

(i) primarily to any apportionment or allocation of that rentcharge or rent which may have been made otherwise than so as to be binding on the owner of that rentcharge or on the landlord, as the case may be, before the material time; and

(ii) subject as aforesaid, to the proportion borne by the annual value of that land immediately before the relevant decision to the annual value of the other land subject to the rentcharge or rent immediately before that decision;

(*d*) the capital equivalent of the excess of the amount of the rentcharge so far as attributable to the charged land over the available annual limited value of that land shall be taken to be that excess multiplied by the number of years purchase which the rentcharge might have been expected to realise on a sale thereof made in the open market immediately after the relevant decision if at that time the relevant decision had been a decision to the contrary effect.

SCHEDULE 3

Application No. .....
Claim File No. ...../...../S.....

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

TOWN AND COUNTRY PLANNING ACT 1962

ORIGINAL UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

Application for a Certificate under Section 99 (1)

1. NAME(S) AND ADDRESS(ES) OF APPLICANT(S) (in block capitals)

(*a*) Surname(s) (state whether Mr., Mrs., Miss).....
.....
Other name(s).....

(*b*) Present postal address(es) .....
.....

Note. In the case of a joint application the names of each applicant should be given, but the Ministry will send all communications to the first named applicant unless a written request to the contrary is made.

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2. PARTICULARS OF AGENT (if any) to whom the applicant wishes any communications about this application to be sent.

NAME .....
Postal address .....
.....
Telephone Number .....Profession .....

---

3. PARTICULARS OF LAND to which the application relates:—

(i) Description, situation and extent of land (see note 1) .....
.....
.....

(ii) Nature of the applicant's present interest in the land, if freehold or leasehold (if neither, state "none") (see note 2).....
.....
.....

(iii) Give particulars of any other freehold or leasehold interest in the land with names and addresses of the persons entitled, so far as known (see note 3).....
.....

Note 1. If a map is necessary to enable the land to be identified an accurate map of sufficiently large scale and with sufficient detail for this purpose must accompany this application.

Note 2. Only a person who has an interest in the land to which this application relates is entitled under section 99 (1) of the Act to a certificate if a new apportionment will be required before the certificate can be issued. If therefore on examination of this application it is found that the applicant has no interest in the land and that a new apportionment is involved, no certificate will be issued and he will be informed accordingly. In such cases the application fee of 5/- will not be refunded.

Note 3. Question (iii) need not be answered by applicants who have stated "none" in answer to question (ii).

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4. PARTICULARS OF CLAIM ESTABLISHED UNDER PART VI OF THE TOWN AND COUNTRY PLANNING ACT 1947 (if known).

(i) Central Land Board's claim file number (as shown on the determination of development value)...../...../S.....

(ii) Name(s) and address(es) of the person(s) who owned the land, or interests in the land, on 1st July 1948.....

.....

Note. The completion of this section is optional but it will assist the Ministry if the information is provided.

---

5. APPLICATION FEE

Under section 99 (9) of the Act a fee of 5/- is payable in respect of this application. This fee must be paid by attaching to this form of application in the space provided below postage stamps to this value. If a new apportionment is necessary to enable the certificate to be given in respect of land to which the application relates, a further fee of 15/- will be payable before the certificate is issued. The Ministry after examining the application will inform the applicant whether this further fee is payable. Remittances should be made payable to the Ministry of Housing and Local Government.

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6. OFFICE FOR RECEIPT OF APPLICATIONS

This application form when duly completed and stamped should be sent by post or handed in to the District Valuer of the valuation district within which the land to which this application relates is situated, or to the nearest District Valuer.

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7. FORMAL APPLICATION (to be signed by the applicant(s) whose name(s) is/are shown in paragraph 1 above)

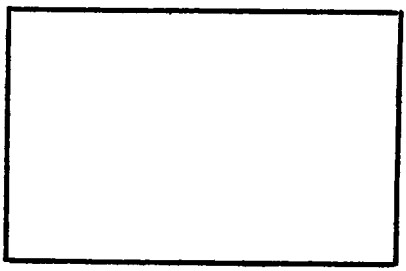
I/We hereby request the Minister of Housing and Local Government to issue to me/us a certificate in accordance with the provisions of section 99 (1) of the Town and Country Planning Act 1962 and of the Town and Country Planning (Compensation and Certificates) Regulations 1963.

Signature .....

.....

Date .....

A POSTAGE STAMP OR STAMPS TO THE VALUE OF FIVE SHILLINGS SHOULD BE ATTACHED TO THIS FORM IN THE SPACE BELOW.



SCHEDULE 4

Ministry's reference .....

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

ORIGINAL UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE
Certificate issued under Section 99 (1) of the Town and Country Planning Act 1962

DESCRIPTION OF LAND .....
.....
.....
.....

Central Land Board's reference number .....

Date of issue of certificate .....

To .....
.....
.....

The Minister of Housing and Local Government hereby certifies as follows:—

*(i) [the above described land] [the part(s)] of the above described land as indicated in the Schedule annexed $\frac{\text{has/have severally}}{\text{has not}}$ an original unexpended balance of established development value within the meaning of section 90 of the Town and Country Planning Act 1962

†(ii) on 1st July 1948, the state of [the above described land] [the said part(s)] was taken by the Central Land Board, for the purposes of Part VI of the Town and Country Planning Act 1947, to be .....
.....
.....

†(iii) the following [is] [are] the amount(s) of the said original unexpended balance(s) [subject to any outstanding claims under Part I or Part V of the Town and Country Planning Act 1954] .....
.....

** (iv) .....

Signed .....
Authorised in that behalf by the Minister.

SCHEDULE 5

Application No. .....
Claim File No. ...../...../S.....

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

TOWN AND COUNTRY PLANNING ACT 1962

UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE
Application for a Certificate under Section 99 (3)

1. NAME AND ADDRESS OF PUBLIC AUTHORITY (in block capitals)
   (*a*) Name of Public Authority .....
   (*b*) Postal address .....
   .....

* Delete words inapplicable.
† Delete where there is no original unexpended balance.
** Additional information, if any, to be inserted here.

2. PARTICULARS OF LAND to which the application relates

(i) Description, situation and extent of land .....
.....

(ii) Description of interest(s) being acquired .....
.....

(iii) Details of the powers under which the acquisition is being effected. (It should be stated whether minerals are excluded from the acquisition).....
.....

(iv) The date on which a notice to treat was served, or was deemed to have been served, with a view to the compulsory acquisition of an interest in the land.....
.....

(v) Is there more than one interest (i.e., freehold or leasehold) in the land? (Answer "Yes" or "No") .....

(vi) If the answer to (v) above is "Yes" give (if known) the names and addresses of the owners of other interests and the nature of their interests
.....
.....
.....
.....
.....

---

*3. PARTICULARS OF CLAIM ESTABLISHED UNDER PART VI OF THE TOWN AND COUNTRY PLANNING ACT 1947 (if known)

(i) The Central Land Board's claim file number (as shown on the determination of development value) ...../...../S.....

(ii) Name(s) and address(es) of the person(s) who owned the land, or an interest in the land, on 1st July 1948 .....
.....
.....

Note—Question 3 (ii) need be answered only if the Central Land Board's claim file number is not known.

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*4. NEW DEVELOPMENT

Has any new development, within the meaning of section 16 of the Town and Country Planning Act 1954 and section 12 (5) of the Town and Country Planning Act 1962, been carried out on the land since 1st July 1948? If so, give details, including date of commencement .....
.....
.....

---

*5. PREVIOUS ACQUISITIONS

Has any interest in the land previously been compulsorily acquired by a public authority or acquired by agreement by a public authority possessing compulsory purchase powers? If the answer is "Yes" give details .....
.....
.....

---

* The completion of these sections is optional but it will assist the Ministry if the information is provided.

6. FORMAL APPLICATION

I/We hereby request the Minister of Housing and Local Government to issue to ..... (name of authority) a certificate in accordance with the provisions of section 99 (3) of the Town and Country Planning Act 1962 showing the unexpended balance of established development value, if any, of the land described in paragraph 2 above immediately before the service of the notice mentioned in that paragraph.

Signature .....

(Rank of Signatory) .....
For and on behalf of the above authority.

Date .....

SCHEDULE 6

REGULATIONS REVOKED Reg. 20.

The Town and Country Planning (Compensation) Regulations 1954(a).

The Central Land Board (Provision of Information) Regulations 1954(b).

The Town and Country Planning (Mortgages, Rentcharges, etc.) Regulations 1955(c).

The Town and Country Planning (Mortgages, Rentcharges, etc.) Amendment Regulations 1959(d).

Given under the official seal of the Minister of Housing and Local Government on 10th April 1963.

(L.S.) *Keith Joseph,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These regulations replace in a consolidated form the Town and Country Planning (Compensation) Regulations 1954, the Town and Country Planning (Mortgages, Rentcharges, etc.) Regulations 1955 with their Amendment Regulations of 1959 and the Central Land Board (Provision of Information) Regulations 1954, all of which were made under the Town and Country Planning Act 1954 (now repealed on consolidation by the Town and Country Planning Act 1962).

Part II of the regulations (formerly Part II of the Compensation Regulations) prescribes the procedure and form of claim for compensation payable by the Minister in respect of decisions refusing planning permission or granting it conditionally. The requirements in the Compensation Regulations as to the particulars and evidence to be supplied by claimants, for the issue of notices of the Minister's findings on determination of claims and for appeal to the Lands Tribunal against his determinations are continued.

(a) S.I. 1954/1600 (1954 II, p. 2404).
(b) S.I. 1954/1720 (1954 II, p. 2398).
(c) S.I. 1955/38 (1955 II, p. 2628).
(d) S.I. 1959/244 (1959 II, p. 2638).

Parts III, IV and V respectively continue the provisions of the previous Mortgages, Rentcharges, etc. Regulations, relating to claims (for such compensation as is dealt with in Part II) by mortgagees, by rentcharge owners and in respect of settled land.

Part VI of the regulations (replacing Part III of the Compensation Regulations) prescribes the procedure to be followed when the Minister of Housing and Local Government proposes to make contributions towards compensation payable by local planning authorities in respect of orders revoking or modifying planning permissions. The regulations continue the provisions for consideration of objections to the Minister's proposals and for rights of appeal to the Lands Tribunal from his determinations.

Part VII continues the substance of the previous Central Land Board (Provision of Information) Regulations. The Central Land Board having been dissolved, applications for certificates as to unexpended balances of development value established on claims under Part VI of the Town and Country Planning Act 1947 are now made to the Minister. The regulations prescribe the forms to be used, the manner in which applications are to be made and the method by which fees payable under section 99 of the Act of 1962 are to be paid.

Regulation 20 revokes the previous Regulations mentioned in the first paragraph of this Note, but with a saving enabling the few outstanding applications and claims under Parts I and V respectively of the Act of 1954 to be dealt with under the previous Regulations. As regards outstanding claims etc. of the nature for which provision is made under the present Regulations, these will in future be governed by these regulations.