1954 No. 1600

The Town and Country Planning (Compensation) Regulations, 1954

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

The Minister of Housing and Local Government in exercise of the powers conferred on him by sections 22, 27, 40, 45 and 68 of the Town and Country Planning Act, 1954(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

General

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Compensation) Regulations, 1954, and shall come into operation on the first day of January, 1955.

Interpretation

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

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

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

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

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

"the claimant" means the person by or on whose behalf a claim for compensation is made under Part II or Part V of the Act; and

"local planning authority" does not include an authority to whom functions under Part III of the Act of 1947 have been delegated in accordance with regulations made under section 34 or section 114 of the said Act.

PART II

Compensation under Part II or Part V of the Act

Form and delivery of claim

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

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

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 15 of the Act of 1947, or on an appeal under section 16 of the Act of 1947, or where the claim is made under Part V of the Act as a result of an order revoking or modifying planning permission brief particulars of such decision or order and the Minister's reference number, if known;

and where the authority is one to whom functions under Part III of the Act of 1947 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 23 or section 45 of the Act, as the case may be, and shall also furnish from time to time such other information as the Minister may require for the exercise of his powers under either of those sections.

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 24 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 Part II or Part V, as the case may be, of 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, or, as the case may be, the amounts of the claim holdings, 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 in the case of a claim under Part II of the Act, 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.

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 Part II or Part V of 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 27 or section 46 of the Act, as the case may be.

PART III

CONTRIBUTIONS UNDER PART IV OF THE ACT TOWARDS COMPENSATION PAYABLE BY AUTHORITIES UNDER SECTION 22 OF THE ACT OF 1947

Proposal for contribution

9.—(1) Where the Minister proposes to pay a contribution under section 40 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 II or Part V of the Act, 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

10.—(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 II or Part V of the Act, 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 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 Part II of the Act

11.—(1) The provisions of subsection (3) of section 18 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 40 of the Act as they apply where compensation under Part II of the Act becomes payable in respect of the depreciation of the value of an interest in land by a planning decision.

(2) Where an amount becomes recoverable under subsection (8) of section 29 as applied by section 41 of the Act, subsection (9) of section 29 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 39,

(*b*) the reference to subsection (4) of section 29 were a reference to subsection (4) of that section as applied by section 41, and

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

SCHEDULE

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

Claim for the Payment of Compensation under Part II or Part V of the Town and Country Planning Act, 1954

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., as lessee, mortgagee, owner of an easement? If so, give name and address of such person and nature and date of creation of his 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, or order modifying or revoking planning permission, 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, 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) If you are claiming under Part V of the Act state whether you are a claim holder in respect of the above established claim and if so give particulars of your interest in that claim and how you acquired it. (iii) 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.	
7. State what amount you claim as the depreciation in value caused by the planning decision or order. (*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.....

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

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

EXPLANATORY NOTE

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

Parts II and V of the Town and Country Planning Act, 1954, provide for the payment of compensation by the Minister of Housing and Local Government by reference to claims established on the £300 million fund under Part VI of the Town and Country Planning Act, 1947, in respect of decisions refusing planning permission or granting it conditionally, and in respect of orders made before the 1st January, 1955 (the date of commencement of the Act of 1954) revoking or modifying planning permissions. These regulations prescribe the form in which claims are to be made for compensation, and the particulars and evidence to be supplied in respect of such claims.

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

Part IV of the Town and Country Planning Act, 1954, provides for the payment by the Minister of contributions, by reference to claims established on the £300 million fund under Part VI of the Town and Country Planning Act, 1947, towards compensation payable by local planning authorities in respect of orders revoking or modifying planning permissions made on or after the 1st January, 1955. Part III of these regulations provides for the consideration of objections to the Minister's proposals for contributions before the issue of his determination and for rights of appeal to the Lands Tribunal by persons affected by the determination, and enables such persons to be heard by the Tribunal on an appeal.