

Land Compensation Act 1961 c. 33

s. 1 Upper Tribunal to assess compensation in respect of land compulsorily acquired.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Administration of justice; Planning; Real property

Keywords

Compensation; Compulsory purchase; Lands Tribunal; Rent

1. [Upper Tribunal to assess]¹ compensation in respect of land compulsorily acquired.

Where by or under any statute (whether passed before or after the passing of this Act) land is authorised to be acquired compulsorily, any question of disputed compensation and, where any part of the land to be acquired is subject to a lease which comprises land not acquired, any question as to the apportionment of the rent payable under the lease, shall be referred to the [Upper Tribunal]² and shall be determined by the Tribunal in accordance with the following provisions of this Act.

Notes

- 1 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.37\(a\)](#) (June 1, 2009)
- 2 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.37\(b\)](#) (June 1, 2009)

*Part I DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION > s.
1 Upper Tribunal to assess compensation in respect of land compulsorily acquired.*

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s. 2 Procedures on references under s. 1.



Version 2 of 2

1 June 2009 - Present

Subjects

Planning; Real property

[...] ¹

Notes

- 1 Repealed by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.38](#) (June 1, 2009)

*Part I DETERMINATION OF QUESTIONS OF DISPUTED
COMPENSATION > s. 2 Procedures on references under s. 1.*

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s. 3 Consolidation of proceedings on claims in respect of several interests in the same land.



Version 2 of 2

1 June 2009 - Present

Subjects

Planning; Real property

[...] ¹

Notes

- 1 Repealed by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.38](#) (June 1, 2009)

*Part I DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION > s. 3
Consolidation of proceedings on claims in respect of several interests in the same land.*

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s. 4 Costs.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Administration of justice; Planning; Real property

Keywords

Compensation; Compulsory purchase; Costs; Lands Tribunal

4.— Costs.

[

(A1) In any proceedings on a question referred to the Upper Tribunal under [section 1](#) of this Act—

(a) the following subsections apply in addition to [section 29](#) of the [Tribunals, Courts and Enforcement Act 2007](#) (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and

(b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.

] ¹

(1) Where either—

(a) the acquiring authority have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the [Upper Tribunal] ² to that claimant does not exceed the sum offered; or

(b) the [Upper Tribunal] ² is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable them to make a proper offer, a notice in writing of the amount claimed by him, containing the particulars mentioned in subsection (2) of this section;

the [Upper Tribunal] ² shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as they were incurred after the offer was made or, as the case may be, after the time when in the opinion of the [Upper Tribunal] ² the notice should have been delivered.

(2) The notice mentioned in subsection (1) of this section must state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.

(3) Where a claimant has delivered a notice as required by paragraph (b) of subsection (1) of this section and has made an unconditional offer in writing to accept any sum as compensation, then, if the sum awarded to him by the [Upper Tribunal] ² is equal to or exceeds that sum, the [Upper Tribunal] ² shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear their own costs and pay the costs of the claimant so far as they were incurred after his offer was made.

(4) The [Upper Tribunal] ² may in any case disallow the cost of counsel.

(5) Where the [Upper Tribunal]² orders the claimant to pay the costs, or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.

[...]³

Notes

- 1 Added by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.39\(a\)](#) (June 1, 2009)
 - 2 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.39\(b\)](#) (June 1, 2009)
 - 3 Repealed by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.39\(c\)](#) (June 1, 2009)
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Part I DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION > s. 4 Costs.

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s. 4A Making a claim for compensation



Law In Force

Version 1 of 1

6 April 2018 - Present

Subjects

Planning; Real property

[

4A Making a claim for compensation

- (1) The appropriate national authority may by regulations impose further requirements about the notice mentioned in [section 4\(1\)\(b\)](#).
- (2) In subsection (1) “*appropriate national authority*” means—
 - (a) in relation to a claim for compensation for the compulsory acquisition of land in England, the Secretary of State;
 - (b) in relation to a claim for compensation for the compulsory acquisition of land in Wales, the Welsh Ministers.
- (3) Regulations under subsection (1) may make provision about—
 - (a) the form and content of the notice, and
 - (b) the time at which the notice must be given.
- (4) Regulations under subsection (1) may permit or require a person specified in the regulations to design the form of the notice.
- (5) Regulations under subsection (1) may require an acquiring authority to supply, at specified stages of the compulsory acquisition process, copies of a form to be used in giving the notice.
- (6) Regulations under subsection (1) are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (1) is subject to annulment—
 - (a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
 - (b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.

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Notes

¹ Added by Housing and Planning Act 2016 c. 22 Pt 7 s.192(1) (April 6, 2018)

*Part I DETERMINATION OF QUESTIONS OF DISPUTED
COMPENSATION > s. 4A Making a claim for compensation*

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