



Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

PART II

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

[^{F1}6D Meaning of “scheme” etc.

- (1) For the purposes of sections 6A, 6B and 6C, the “scheme” in relation to a compulsory acquisition means the scheme of development underlying the acquisition (subject to subsections (2) to (5)).
- (2) Where the acquiring authority is authorised to acquire land in connection with the development of an area designated as—
 - (a) an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980,
 - (b) a new town by an order under section 1 of the New Towns Act 1981, or
 - (c) a Mayoral development area by a designation under section 197 of the Localism Act 2011,the scheme is the development of any land for the purposes for which the area is or was designated.
- (3) Where land is acquired for regeneration or redevelopment which is facilitated or made possible by a relevant transport project, the scheme includes the relevant transport project (subject to section 6E).
- (4) For the purposes of subsection (3) and section 6E—
 - (a) a “relevant transport project” means a transport project carried out in the exercise of a statutory function or by the exercise of compulsory purchase powers (regardless of whether it is carried out before, after or at the same time as the regeneration or redevelopment), and

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- (b) where different parts of the works comprised in such a transport project are first opened for use on different dates, each part is to be treated as a separate relevant transport project.
- (5) If there is a dispute as to what is to be taken to be the scheme (the “underlying scheme”) then, for the purposes of this section, the underlying scheme is to be identified by the Upper Tribunal as a question of fact, subject as follows—
- (a) the underlying scheme is to be taken to be the scheme provided for by the Act, or other instrument, which authorises the compulsory acquisition unless it is shown (by either party) that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument, and
 - (b) except by agreement or in special circumstances, the Upper Tribunal may permit the acquiring authority to advance evidence of such a larger scheme only if that larger scheme is one identified in the following read together—
 - (i) the instrument which authorises the compulsory acquisition, and
 - (ii) any documents made available with it.
- (6) In the application of no-scheme rule 3 in relation to the acquisition of land for or in connection with the construction of a highway (the “scheme highway”) the reference in that rule to “any other project” includes a reference to any other highway that would meet the same or substantially the same need as the scheme highway would have been constructed to meet.]

Textual Amendments

F1 Ss. 6A-6E substituted for ss. 6-9 (22.9.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 32\(3\), 46\(1\)](#); [S.I. 2017/936](#), [reg. 3\(b\)](#) (with [reg. 4](#) and [regs. 6, 7](#) which amend the new s. 6E(2)(b)(c))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.I. 2020/1656 art. 17\(5\)](#)
- Act applied (with modifications) by [2021 c. 2 Sch. 9 para. 12\(9\)](#)
- Act applied (with modifications) by [S.I. 2021/1414 Sch. 7 para. 3](#)
- Act applied (with modifications) by 2017 c. 7, Sch. 9 paras. 1, 2(8B) (as substituted by [2021 c. 2 Sch. 9 para. 5](#))
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1485 Sch. 14 para. 2](#)
- Act modified by [S.I. 2020/1656 Sch. 7 para. 3](#)
- Act modified by [S.I. 2020/1663 Sch. 8 para. 2](#)
- Act modified by [S.I. 2021/125 Sch. 6 para. 2](#)
- Act modified by [S.I. 2021/419 art. 10\(3\)](#)
- Act modified by [S.I. 2021/419 Sch. 1 para. 2](#)
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Act modified by [S.I. 2021/74 Sch. 7 para. 2](#)
- Act modified by [S.I. 2021/937 art. 13\(3\)](#)
- Act modified by [S.I. 2021/937 Sch. 5 para. 2](#)