



Infrastructure (Wales) Act 2024

2024 asc 3

PART 6

INFRASTRUCTURE CONSENT ORDERS

Effect of infrastructure consent orders

101 Compensation in case where defence of statutory authority applies

- (1) This section applies if, by virtue of section 100, or an infrastructure consent order, there is a defence of statutory authority in civil or criminal proceedings for nuisance in respect of any authorised works.
- (2) “Authorised works” are—
 - (a) development for which infrastructure consent is granted;
 - (b) anything else authorised by an infrastructure consent order.
- (3) A person by whom or on whose behalf any authorised works are carried out must pay compensation to any person whose land is injuriously affected by the carrying out of the works.
- (4) A dispute as to whether compensation under subsection (3) is payable, or as to the amount of the compensation, must be referred to the Upper Tribunal.
- (5) Subsection (2) of section 10 of the Compulsory Purchase Act 1965 (c. 56) (“the 1965 Act”) (limitation on compensation) applies to subsection (3) of this section as it applies to that section.
- (6) Any rule or principle applied to the construction of section 10 of the 1965 Act must be applied to the construction of subsection (3) of this section (with any necessary modifications).
- (7) Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works) applies in relation to authorised works as if—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) references in that Part to any public works were to authorised works;
 - (b) references in that Part to the responsible authority were to the person for whose benefit the infrastructure order has effect for the time being;
 - (c) sections 1(6) and 17 were omitted.
- (8) An infrastructure consent order may not include provision the effect of which is to remove or modify the application of any of subsections (1) to (7).