

SCHEDULES

SCHEDULE 2

ORDERS CONFERRING COMPULSORY POWERS FOR EXECUTING WORKS

7.—(1) If the value of any estate in land to which this sub-paragraph applies is depreciated by the coming into operation of the order or anything done in pursuance of it, the person entitled to that estate shall be entitled to compensation from the Department of an amount equal to the amount of the depreciation.

(2) Sub-paragraph (1) applies to any estate in any land in respect of which compulsory powers are exercisable by virtue of the order, and to any estate in any land which, on the date on which the order comes into operation, is held with any of that land.

(3) Where the person entitled to an estate in land to which sub-paragraph (1) applies sustains loss or damage which—

- (a) is attributable to the coming into operation of the order or anything done in pursuance of it; and
- (b) does not consist of depreciation of the value of his estate; and
- (c) is loss or damage for which, if his estate in the land in respect of which compulsory powers are exercised by virtue of the order had been vested under Article 24 in pursuance of a vesting order made before the date on which the order comes into operation, he would have been entitled to compensation by way of compensation for disturbance;

he shall be entitled to compensation from the Department in respect of that loss or damage, in addition to compensation under sub-paragraph (1).

(4) A person who suffers damage (other than the depreciation of an estate in land) which is attributable to the operation of the order or anything done in pursuance of it shall be entitled to recover compensation from the Department in respect of the damage.

(5) [F1Sections 31 and 33(1)] of the Land Development Values (Compensation) Act (Northern Ireland) 1965 shall have effect in relation to compensation payable by virtue of this paragraph as they have effect in relation to Part III compensation within the meaning of that Act or for the purposes of Part III of that Act, subject to the modification that for any reference to a compensatable estate there shall be substituted a reference to any estate in land.

F1 2001 c. 2 (NI)

Changes to legislation:

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Paragraph 7.