

*Status: Point in time view as at 21/12/2001. This version of this provision has been superseded.*

*Changes to legislation: Highways Act 1980, Paragraph 7 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 19 **E+W**

#### COMPULSORY ACQUISITION OF RIGHTS: MODIFICATION OF 1946 AND 1965 ACTS

#### PART II **E+W**

##### ADAPTATION OF 1965 ACT, PART I

###### Modifications etc. (not altering text)

- C1** Sch. 19 Pt. II (paras. 5–11) modified by Dartford–Thurrock Crossing Act 1988 (c. 20 SIF 59), ss. 2, 19, Sch. 2 Pt. II para. 2(3)(a)
- C1** Sch. 19 Pt. II applied (with modifications) (13.2.1992) by Severn Bridges Act 1992 (c. 3), s. 2, Sch. 2 Pt. II para. 1(3)(a), and (5.11.1993) by 1993 c. 42, s. 5, Sch. 4 para. 1(2)(3)(a)

- 7 For section 8(1) of the Act (protection for vendor against severance of house, garden, etc.) substitute the following—

“(1) No person shall be required to grant any right over part only—

- (a) of any house, building or manufactory; or
- (b) of a park or garden belonging to a house,

if he is willing to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that—

- (i) in the case of a house, building or manufactory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or manufactory; or
- (ii) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house;

and if the Lands Tribunal so determine, the Tribunal shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that right over that part of the house, building, manufactory, park or garden.

- (1A) In considering the extent of any material detriment to a house, building or manufactory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal shall have regard not only to the right which is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”

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