

SCHEDULES

SCHEDULE 3

THE NEW TOWNS CODE

PART IV

ACQUISITION OF LAND : SUPPLEMENTARY PROVISIONS

Modifications of Land Compensation Act 1961

- 30 (1) The Land Compensation Act 1961 shall, in its application to the acquisition of land under the new towns code, have effect subject to any adaptations necessary to make it apply to such an acquisition and subject to the following provisions of this paragraph.
- (2) The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land acquired or any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.
- (3) The provisions of Part II of Schedule 1 shall not have effect with regard to paragraph 3 and (so far as applicable) 3 A of Part I of that Schedule (disregard of value of certain development in new town areas) where the development corporation established for the purposes of a new town ceases to act on being dissolved by an order under section 3(2)(a) of this Act.
- (4) The provisions of paragraph 2 of Schedule 2 (special basis for compensation for compulsory acquisition of houses unfit for human habitation) shall apply in relation to an acquisition of land under the new towns code by an acquiring authority as they apply to an acquisition of land under the New Towns Act 1965 by the corporation, authority or Minister mentioned in sub-paragraph (1)(e) thereof.

Modifications of Compulsory Purchase Act 1965

- 31 (1) The provisions of sub-paragraphs (2) and (3) below have effect, in relation to an acquisition of land under the new towns code, instead of section 11(1) of the Compulsory Purchase Act 1965.
- (2) If the acquiring authority has, in respect of any of the land, served notice to treat on every owner of that land, it may at any time thereafter serve a notice—
- (a) on every occupier of any of that land, and

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- (b) on every person other than such an occupier who, having been served with a notice to treat in respect of that land, has requested the acquiring authority in writing to serve him with a notice under this sub-paragraph and has furnished it with an address for service thereto,

describing the land to which the notice relates and stating the acquiring authority's intention to enter on and take possession thereof at the expiration of such period (not being less than fourteen days) as may be specified in the notice.

- (3) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the said notices do not expire at the same time, of the last of those periods to expire) or at any time thereafter, the acquiring authority may enter on and take possession of the land to which the notice or notices relate without previous consent or compliance with section 11 of the Compulsory Purchase Act 1965, but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as the acquiring authority would be required to pay if those provisions had been complied with.
- (4) Sections 55 and 56 of the Land Compensation Act 1973 shall, subject to any necessary modifications, have effect in relation to a notice of entry under this paragraph as they have effect in relation to a notice of entry under the said section 11(1).

Extinguishment of rights over land compulsorily acquired

- 32 (1) Subject to the provisions of this paragraph, upon the completion by the acquiring authority of an acquisition of land under the new towns code, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.
- (2) Sub-paragraph (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) In respect of any right or apparatus not falling within sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject—
- (a) to any direction given by the acquiring authority before the completion of the acquisition that the said sub-paragraph (1) shall not apply to any right or apparatus specified in the direction, and
- (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the acquiring authority.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the Land Compensation Act 1961.

Minerals

- 33 (1) A compulsory purchase order made under the new towns code may make provision for the incorporation with that code of section 77 of the Railways Clauses

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Consolidation Act 1845 (which relates to the exception of minerals from purchases) and sections 78 to 85 of that Act (which relate to restrictions on the working of minerals) as originally enacted, and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, or of the said section 77 only.

- (2) The provision authorised by sub-paragraph (1) above may be made as to all or any of the land to which the compulsory purchase order relates, and may include such modification of references in the sections mentioned in that sub-paragraph to the railway or works, or to the company, as may be specified in the order; and for the purposes of any such incorporation of those sections, the new towns code and the compulsory purchase order shall be deemed to be the special Act.