

Status: Point in time view as at 01/02/1991.

Changes to legislation: Highways Act 1980, SCHEDULE 19 is up to date with all changes known to be in force on or before 30 June 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**

Section 250.

COMPULSORY ACQUISITION OF RIGHTS: MODIFICATION OF 1946 AND 1965 ACTS

PART I **E+W**

1—4. ^{F1}

Textual Amendments

F1 Sch. 19 Pt. I (paras. 1–4) repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I

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)

C2 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)

5 In relation to a compulsory acquisition of a right by virtue of section 250 of this Act, the Act of 1965 applies with the modifications made by paragraphs 6 to 11 below.

6 For section 7 of the Act (measure of compensation) substitute the following:—

“7 In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

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,

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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.”.

8 The following provisions of the Act (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land)—

- section 9(4) (refusal by owners to convey);
- Schedule 1, paragraph 10(3) (owners under incapacity);
- Schedule 2, paragraph 2(3) (absent and untraced owners); and
- Schedule 4, paragraphs 2(3) and 7(2) (common land),

are so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

9 Section 11 of the Act (powers of entry) is so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff’s warrant in the event of obstruction) are modified correspondingly.

10 Section 20 of the Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

11 Section 22 of the Act (protection of acquiring authority’s possession where by inadvertence an estate, right or interest has not been got in) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

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