

SCHEDULES

SCHEDULE 6

Section 14.

MODIFICATIONS OF ENACTMENTS FOR PURPOSES OF THIS ACT

PART I

COMPULSORY PURCHASE ACT 1965

- 1 (1) Part I of the Compulsory Purchase Act 1965 as applied by this Act shall have effect as if section 27 (acquiring authority to make good deficiencies in rates) and section 32 (commencement) were omitted.
- (2) In construing that Act as applied by this Act—
 - (a) this Act or, in relation to a compulsory acquisition, this Act and the compulsory purchase order, shall be deemed to be the special Act;
 - (b) "the acquiring authority" has the meaning given by this Act;
 - (c) "subject to compulsory purchase" in relation to a compulsory acquisition means land the compulsory purchase of which is authorised by the compulsory purchase order, and in relation to the acquisition of land by agreement means land which may be purchased by agreement under this Act;
 - (d) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by this Act;
 - (e) in relation to any erection, construction or carrying out of any building or works so authorised, references in section 10 of that Act of 1965 (compensation for injurious affection) to the promoters of the undertaking shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and
 - (f) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of the Secretary of State on land acquired by him under section 11 above, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.
- 2 Nothing—
 - (a) in Part I of the Compulsory Purchase Act 1965 as applied by this Act in relation to the acquisition of land by agreement, or
 - (b) in this Act as so applying,shall enable a local authority to sell for the purpose of this Act without the consent of any Minister any land which they could not have sold without that consent apart from this paragraph.
- 3 The acquiring authority shall, without prejudice to any power in that behalf exercisable by them apart from this paragraph, be entitled, notwithstanding anything in section 5 of that Act of 1965 or in any other provision of that Act, to

Status: This is the original version (as it was originally enacted).

acquire one or some of two or more interests subsisting in the land without acquiring the other interest or interests subsisting in it.

- 4 (1) If the acquiring authority have, in respect of any of the land, served notice to treat on every owner of that land, they may at any time afterwards serve a notice—
- (a) on every occupier of any of that land, and
 - (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 any notice under this sub-paragraph and has given them an address for its service,

describing the land to which the notice relates and stating their intention to enter on and take possession of it at the expiry of such period (not being less than 14 days) as may be specified in the notice.

- (2) The acquiring authority may enter on and take possession of the land to which such notice or notices relate—
- (a) at the expiry of the period specified in the notice, or
 - (b) where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, at the expiry of the last of those periods, or
 - (c) at any time after those expiries,

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 they would have been required to pay if those provisions had been complied with.

- (3) The provisions of this paragraph have effect instead of section 11(1) of the Compulsory Purchase Act 1965.

- 5 Section 30(3) of the Compulsory Purchase Act 1965 (service of notices in accordance with the Acquisition of Land Act 1946) does not apply but notice required to be served by the acquiring authority may, notwithstanding anything in subsection (1) of that section, be served and addressed in the manner specified in section 75 above in relation to notices required to be served under this Act.

PART II

LAND COMPENSATION ACT 1961

- 6 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 on 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 that Tribunal is satisfied—

- (a) that the creation of the interest,
- (b) the erection of the building,
- (c) the doing of the work,
- (d) the making of the improvement, or
- (e) the alteration,

as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.