

SCHEDULES

SCHEDULE 5

SUPPLEMENTARY PROVISIONS AS TO ACQUISITION OF LAND

PART III

SUPPLEMENTARY

Provision enabling owners and lessees to require purchase of their interests

- 1 (1) If the Secretary of State makes an order under section 38(1) of this Act extending the time within which a notice to treat may be served in respect of any land the following provisions of this paragraph shall have effect as from the coming into operation of that order.
- (2) If any owner or lessee of any of that land gives notice in writing to the appropriate authority that he desires his interest in any part of the land specified in the notice to be acquired by the appropriate authority, the appropriate authority shall, within the period of three months after the receipt of such notice—
- (a) enter into an agreement with him for the acquisition of his interest in the land or such part thereof as may be specified in the agreement; or
 - (b) serve on him a notice to treat for the compulsory acquisition of his interest in the land specified in his notice, or in such part thereof as may be required by the appropriate authority; or
 - (c) serve on him notice in writing of their intention not to proceed with the purchase of his interest in the land specified in his notice.
- (3) Where notice is given under sub-paragraph (2) above by an owner or lessee in respect of his interest in land specified in the notice, then—
- (a) if the appropriate authority—
 - (i) fails to comply with the requirements of that sub-paragraph; or
 - (ii) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph; or
 - (iii) serves on him notice in compliance with paragraph (c) of that sub-paragraph;the power of the appropriate authority to serve a notice to treat in respect of that person's interest in the land so specified shall cease; or
 - (b) if the owner's or lessee's interest in part only of that land is acquired in pursuance of an agreement under paragraph (a) of that sub-paragraph, or a notice to treat served by virtue of paragraph (b) of that sub-paragraph, the power of the appropriate authority to serve a notice to treat in respect of that person's interest in the remainder of that land shall cease.

Status: This is the original version (as it was originally enacted).

- (4) In this paragraph "lessee" means a person who holds an interest under a lease for a period of which not less than 21 years is unexpired at the date of the giving of any notice by that person under sub-paragraph (2) above.
- (5) This paragraph shall not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than 9 metres below the surface of the land or, in the case of a work below a watercourse or other area of water, the surface of the adjoining ground which is at all times above water level.