

## SCHEDULES

### SCHEDULE 9

#### COMPENSATION IN RESPECT OF DROUGHT ORDERS

##### *Claims for compensation under paragraph 2*

- 4 (1) A claim for compensation under paragraph 2 above may be made at any time not later than six months after the end of the period for which the order authorises, as the case may be—
- (a) the taking or discharge of water;
  - (b) the imposition of a prohibition or limitation on the taking of water;
  - (c) the suspension or modification of any restriction or obligation; or
  - (d) the suspension or variation of, or attachment of conditions to, any consent relating to the discharge of sewage effluent or trade effluent.
- (2) Where a claim for compensation under paragraph 2 above is made during the continuance of the ordinary drought order, the Lands Tribunal may, if it thinks fit, award a sum representing the loss or damage which is likely to be sustained by the claimant in respect of each day on which, as the case may be—
- (a) water is taken or discharged;
  - (b) water is not discharged or is discharged otherwise than in accordance with an obligation or restriction; or
  - (c) sewage effluent or trade effluent is discharged otherwise than in accordance with a consent originally given.
- (3) In assessing the compensation to be made under paragraph 2(2) above the Lands Tribunal may, if it thinks fit, have regard to the amount of water which, on an equitable apportionment of the water available from the source between the claimant, the applicant and other persons taking water from the source, may fairly be apportioned to the claimant.
- (4) In assessing the compensation to be made under paragraph 2(3) above in respect of the lack of discharge of compensation water, the Lands Tribunal may, if it thinks fit, have regard to the amount of water which, under the conditions existing by reason of the shortage of rain, would have been available to the claimant during the period during which the deficiency of supplies of water is continued, if the applicant in relation to whom the obligation was imposed had never carried on its undertaking.
- (5) In sub-paragraph (4) above “compensation water” has the same meaning as in section 77 of this Act.