

SCHEDULES

SCHEDULE 2

ACQUISITION OF LAND

PART 1

COMPULSORY ACQUISITION OF LAND

New rights: specific adaptations of 1965 Act

- 11 Section 8 of the Act of 1965 (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) is to be read as if for that section there were substituted—
- (1) Subsection (3) applies if—
 - (a) a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”) has been served on a person in pursuance of section 5 of this Act; and
 - (b) as a result—
 - (i) a question of disputed compensation in respect of the purchase of the right would, apart from this section, fall to be determined by the Lands Tribunal (“the Tribunal”); and
 - (ii) before the Tribunal has determined the question, the person satisfies the Tribunal as mentioned in subsection (2).
 - (2) The person satisfies the Tribunal as mentioned in this subsection if the person satisfies the Tribunal that—
 - (a) the person has an interest which the person is able and willing to sell in the whole of the relevant land; and
 - (b) the right—
 - (i) in the case of land consisting of a house, building or manufactory, cannot be purchased without material detriment to the land; or
 - (ii) in the case of land consisting of a park or garden belonging to a house, cannot be purchased without seriously affecting the amenity or convenience of the house.
 - (3) The compulsory purchase order to which the notice to treat relates, in relation to the person concerned—
 - (a) ceases to authorise the purchase of the right; and
 - (b) is deemed to authorise the purchase of the person’s interest in the whole of the relevant land (including, in the case of land consisting of a park or garden belonging to a house, the house);

Status: This is the original version (as it was originally enacted).

and the notice to treat is deemed to have been served in respect of that interest on such date as the Tribunal directs.

- (4) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of subsection (3) is to be determined by the Tribunal.
- (5) Subsection (6) applies if, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1)(b)(ii), a compulsory purchase order is deemed by virtue of subsection (3) to authorise the purchase of an interest in land.
- (6) The acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made.
- (7) Nothing in subsection (6) prejudices any other power of the authority to withdraw the notice.
- (8) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 (determination of material detriment) is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1)(b)(ii) above, are set out in subsection (9).
- (9) They are that—
 - (a) at the beginning of paragraphs (a) and (b) there shall be inserted “a right over”;
 - (b) for “severance” there shall be substituted “right on the whole of the house, building or manufactory or of the house and the park or garden”; and
 - (c) for “part proposed” and “part is” there shall be substituted respectively “right proposed” and “right is”.