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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## SCHEDULES

### FIRST SCHEDULE

#### PROVISIONS RELATING TO CERTAIN ORDERS UNDER PART III

##### PART III

- 11 Where any interest in land is subject to a mortgage—
- (a) any compensation payable under the foregoing provisions of this Schedule in respect of the diminution in the value of the interest shall be assessed as if the interest were not subject to the mortgage;
  - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
  - (c) a mortgagee shall not be entitled to claim compensation under the said provisions in respect of his interest as such; and
  - (d) the compensation payable in respect of the interest subject to the mortgage may be paid by the Minister to such of the claimants as he thinks proper, and shall be applied by that claimant in such manner as the parties interested may agree, or, in default of such agreement, as may be determined by arbitration.

In this paragraph the expression " mortgage " includes an equitable charge and any other encumbrance, and includes a sub-mortgage, and the expression " mortgagee " shall be construed accordingly.