

SCHEDULES

SCHEDULE 2

MODIFICATIONS RELATING TO ACQUISITION OF NEW RIGHTS

10. For section 58 of that Act there shall be substituted—

“58 Determination of material detriment where right over part of house etc. proposed for compulsory acquisition.

58. In determining under section 8(1)(c) of the Compulsory Purchase Act 1965 as applied by article 7(2) of the Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999 whether—

- (a) a right over part of a house, building or manufactory can be taken without material detriment to the house, building or manufactory, or
- (b) a right over part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the Lands Tribunal shall take into account not only the effect of the right on the whole of the house, building or manufactory or of the house and the park or garden but also the use to be made of the right proposed to be acquired and, in a case where the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”.