

SCHEDULE 7

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW EASEMENTS AND RIGHTS

2.—(1) For the purposes of this Order, the Land Compensation Act 1973⁽¹⁾ shall have effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act—

- (a) for the words “Where land is acquired or taken” there shall be substituted the words “Where a right over land is purchased”; and
- (b) for the words “acquired or taken from him” there shall be substituted the words “ over which the right is exercisable”.

(3) In section 58(1)⁽²⁾ (determination of material detriment where part of house etc proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 4—

- (a) for the word “part” in paragraphs (a) and (b), there shall be substituted the words “a right over land consisting”;
- (b) for the word “severance” there shall be substituted the words “right over the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right proposed”; and
- (d) for the words “part is proposed” there shall be substituted the words “right is proposed”.

⁽¹⁾ 1973 c. 26.

⁽²⁾ Section 58(1) was amended by the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) and by section 4 of and Schedule 2, paragraph 29(10) to the Planning (Consequential Provisions) Act 1990 (c. 11).