

SCHEDULE 7

Article 18(5)

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS, ETC.

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right, and in the case of the imposition of a restrictive obligation, as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limiting paragraph 1, the Land Compensation Act 1973(1) has 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 “land is acquired or taken” there are substituted the words “a right or restrictive obligation over land is purchased”; and
- (b) for the words “acquired or taken from him” there are substituted the words “over which the right is exercisable or the restrictive covenant is enforceable”.

Application of 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive obligation, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are to be read (according to the requirements of the particular context) as referring to, or as including references to,—

- (a) the right acquired or to be acquired or the restrictive obligation imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable or the restrictive obligation is or is to be enforceable.

(2) Without limiting sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or in relation to the imposition of a restrictive obligation with the modifications specified in the following provisions of this Schedule.

4. Section 11 of the 1965 Act (powers of entry) is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any new right or restrictive obligation, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive obligation (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry)(2) and 13 (entry on warrant in the event of obstruction)(3) of the 1965 Act are modified correspondingly.

(1) 1973 c.26. Section 44 was amended by paragraph 13(b) of Schedule 24 to the Highways Act 1980, paragraph 14(d) of Schedule 7 to the Gas Act 1986 (c.44) and paragraph 23 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c.60).

(2) Section 12 was modified by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c.23).

(3) Section 13 was amended by section 139 of, paragraph 28(2) of Schedule 13 to, and Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007.

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