

SCHEDULE 5

Article 28

Modification of compensation and compulsory purchase enactments for creation of new rights

Compensation enactments modified

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with all 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 as they apply to compensation on the compulsory purchase of land and interests in land.

Land Compensation Act 1973 modified

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 “land is acquired or taken”, substitute “a right over land is purchased from”;
- (b) for “acquired or taken from him”, substitute “over which the right is exercisable”.

Compulsory Purchase Act 1965 modified

3. Without limiting paragraph 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 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
- (b) the land over which the right is or is to be exercisable.

(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).