

SCHEDULE 12

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASING ENACTMENTS FOR CREATION OF NEW RIGHTS

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, as they apply as respects compensation on the compulsory purchase of land and interests in land.

Commencement Information

11 Sch. 12 para. 1 in force at 30.6.2022, see [art. 1](#)

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the following modification set out in sub-paragraph (2).

(2) For section 5A(5A) of the 1961 Act (relevant valuation date), substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 12 to the Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (“the 2022 Order”);
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 12 to the 2022 Order to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”

Commencement Information

12 Sch. 12 para. 2 in force at 30.6.2022, see [art. 1](#)

3.—(1) Without limitation on the scope of 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 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

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

(1) 1973 c. 26.

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022, Cross Heading: Compensation enactments. (See end of Document for details)

Commencement Information

I3 Sch. 12 para. 3 in force at 30.6.2022, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022, Cross Heading: Compensation enactments.