

SCHEDULE 2

COMPENSATION FOR RIGHTS OF ENTRY ETC

Payment of compensation and determination of disputes

6.—(1) Compensation payable under section 78G(5) in respect of an interest which is subject to a mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and must, in either case, be applied as if it were proceeds of sale.

(2) Amounts of compensation determined under this Schedule are payable—

- (a) where the appropriate person and the grantor or mortgagee agree that a single payment is to be made on a specified date, on that date;
- (b) where the appropriate person and the grantor or mortgagee agree that payment is to be made in instalments on different dates, on the date agreed as regards each instalment; and
- (c) in any other case, subject to any direction of the Lands Tribunal or the court, as soon as reasonably practicable after the amount of the compensation has been finally determined.

(3) Any question as to the application of paragraph 5(3) or of disputed compensation must be referred to, and determined by, the Lands Tribunal.

(4) In relation to the determination of any such question, sections 2^{M1} and 4 of the 1961 Act (which provide for the procedure on reference to the Lands Tribunal and costs) apply as if—

- (a) the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph; and
- (b) references in section 4 of that Act to the acquiring authority were references to the appropriate person.

Marginal Citations

M1 Section 2 was amended by the [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [section 193](#) and [Schedule 33, paragraph 5](#).

Status:

Point in time view as at 10/12/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Contaminated Land (Wales) Regulations 2006, Paragraph 6.