

## SCHEDULES

### SCHEDULE 8

Section 44

#### POWERS IN RELATION TO LAND: COMPENSATION

##### PART 1

##### COMPENSATION IN CONNECTION WITH DIMINUTION IN VALUE OF INTEREST IN LAND

###### *Compensation for diminution in the value of interest in land*

- 1 A person who has an interest in land the value of which is diminished in consequence of the coming into operation of an order under section 39 is entitled to recover compensation for the diminution from the person in whose favour the order was made.
- 2 A person who has an interest in land to which an order under section 41 relates is entitled, if the value of the interest is diminished by the coming into operation of the order, to recover compensation for the diminution from the operator of the spaceport specified in the order.

###### *Assessing compensation*

- 3 For the purposes of assessing compensation under paragraph 1 or 2, the land compensation provisions (so far as applicable) have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of land, subject to any necessary modifications.

###### *Interest subject to mortgage or heritable security*

- 4 (1) Where an interest in land is subject to a mortgage or, in Scotland, to a heritable security—
  - (a) any compensation payable under paragraph 1 or 2 is to be assessed as if the interest were not subject to the mortgage or heritable security;
  - (b) a claim for any such compensation may be made by the mortgagee of the interest or, in Scotland, by any creditor in the heritable security;
  - (c) a mortgagee or, in Scotland, a creditor in the heritable security is not entitled to claim compensation under paragraph 1 or 2 in respect of the person's interest as such;
  - (d) the compensation payable in respect of the interest subject to the mortgage or heritable security may be paid to whichever of the claimants the Secretary of State thinks proper, and is to be applied by that claimant in whatever way is—
    - (i) agreed by the parties interested, or
    - (ii) in default of agreement, determined by arbitration.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) Sub-paragraph (1)(b) does not prevent the person entitled to the interest from making a claim for compensation.

## PART 2

### COMPENSATION IN CONNECTION WITH DAMAGE TO LAND OR INTERFERENCE WITH USE ETC OF LAND

#### *Damage to land*

- 5       Where land is damaged in the exercise of a power conferred by an order under section 39, the person in whose favour the order was made must pay just compensation to the persons interested in the land.
- 6       Where land is damaged—
- (a) in the exercise of a power conferred under section 42, or
  - (b) in carrying out a survey for the purposes for which such a power is conferred,
- the person in whose favour the order under section 39 was made must pay just compensation to the persons interested in the land.

#### *Disturbance in enjoyment of right in or over land etc*

- 7       A person who sustains damage that—
- (a) is due to the person being disturbed in the use of land or water as the result of the coming into operation of an order under section 41, and
  - (b) does not consist of a diminution in the value of an interest in the land,
- is entitled to recover compensation for the damage from the operator of the spaceport specified in the order.

## PART 3

### GENERAL

#### *Disputes*

- 8       Where any dispute arises—
- (a) as to whether compensation is payable under this Schedule,
  - (b) as to the amount of compensation payable, or
  - (c) as to the persons to whom compensation is payable,
- the dispute is to be referred to and determined by the appropriate tribunal.

#### *Statutory undertakers*

- 9       A statutory undertaker is not entitled to recover compensation under this Schedule in a case in which compensation is recoverable by the undertaker under Schedule 9.

### *Interpretation*

10 In this Schedule—

“the appropriate tribunal”—

- (a) in relation to England and Wales, means the Upper Tribunal;
- (b) in relation to Scotland, means the Lands Tribunal for Scotland;
- (c) in relation in Northern Ireland, means the Lands Tribunal for Northern Ireland;

“the land compensation provisions”—

- (a) in the case of land in England and Wales, means section 5 of the Land Compensation Act 1961;
- (b) in the case of land in Scotland, means section 12 of the Land Compensation (Scotland) Act 1963;
- (c) in the case of land in Northern Ireland, means the Land Compensation (Northern Ireland) Order 1982 (despite paragraph 4 of Schedule 1 to that Order, which confines the operation of the Order to matters that were within the legislative competence of the Parliament of the Northern Ireland);

“mortgage” includes an equitable charge and any other encumbrance, and also includes a sub-mortgage;

“mortgagee” is to be read accordingly;

“heritable security” means a heritable security within the meaning of the Conveyancing (Scotland) Act 1924, but inclusive of a security constituted by ex facie absolute disposition.