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SCHEDULES

THIRD SCHEDULE

COMPULSORY PURCHASE OF LAND UNDER PART III

PART II

INCORPORATION OF ENACTMENTS

- 7 (1) A compulsory purchase order under Part III of this Act shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations,—
- (a) the Lands Clauses Acts ;
 - (b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
 - (c) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.
- (2) In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.
- 8 (1) The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are set out in this paragraph.
- (2) The compensation shall be assessed in accordance with such of the provisions of section fifty-nine of this Act as are applicable to the particular case.
- (3) The following sections of the Lands Clauses Consolidation Act, 1845, shall be excepted from incorporation as aforesaid, that is to say,—
- (a) sections one hundred and twenty-seven to one hundred and thirty-two (which relate to the sale of superfluous land);
 - (b) section one hundred and thirty-three (which relates to promoters making good deficiencies in rates).
- (4) In the case of an order under section forty-three or section fifty-one of this Act, the tribunal by whom the compensation is to be assessed may, notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory and, if they so determine, may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part.

Where they so determine, the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory.

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- (5) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the tribunal, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation.
- (6) Where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Church Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.
- (7) Any compensation payable in pursuance of this Act by a local authority in respect of any lands, estate or interest of another local authority which would, but for this paragraph, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine and a decision of the Minister under this paragraph shall be final and conclusive.
- (8) All notices required to be served by the local authority may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served and addressed in the manner specified in this Schedule or in section one hundred and sixty-nine of this Act in relation to notices required to be served by or under this Act.
- 9 Where a local authority have been authorised by an order confirmed under this Schedule to purchase any land compulsorily, then, at any time after serving notice to treat and after giving to the owner and occupier of the land not less than fourteen days notice, they may enter on and take possession of the land, or such part thereof as is specified in the notice, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if those provisions had been complied with.
- 10 Where a local authority are authorised to purchase compulsorily any house to be used for housing purposes under section forty-eight of this Act, and have acquired the right to enter on and take possession of the house by virtue of having served a notice under the last foregoing paragraph, the authority may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house or any part thereof authorising him to continue in occupation upon terms specified in the notice, or on such other terms as may be agreed ; and accordingly, where the authority proceed in the manner authorised by this paragraph—
- (a) the like consequences shall then ensue, with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house or any part thereof, as would have ensued if the authority had taken actual possession on the date of the notice, and the authority may deal with the premises in all respects as if they had done so ; and
- (b) for the purposes of section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which provides for payment of

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compensation to persons entitled to possession under short tenancies who are required to give up possession), any person who by virtue of this paragraph ceases to be entitled to receive rent in respect of any premises shall be deemed to have been required to give up possession thereof.