



Town and Country Planning Act 1971

1971 CHAPTER 78

PART XI

STATUTORY UNDERTAKERS

Compensation

239 Exclusion of s.238 at option of statutory undertakers

- (1) Where statutory undertakers are entitled to compensation in respect of such a compulsory acquisition as is mentioned in section 238(1)(c) of this Act, the statutory undertakers may by notice in writing under this section elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section 5 of the Land Compensation Act 1961) which would be applicable apart from section 238 of this Act; and if the undertakers so elect the compensation shall be ascertained accordingly.
- (2) An election under this section may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.
- (3) Any notice under this section shall be given to the acquiring authority before the end of the period of two months from the date of service of notice to treat in respect of the interest of the statutory undertakers.