

**Changes to legislation:** There are currently no known outstanding effects for the Water Resources Act 1991, Cross  
Heading: Compensation in respect of powers other than acquisition powers. (See end of Document for details)

## SCHEDULES

### SCHEDULE 19

#### ORDERS CONFERRING COMPULSORY WORKS POWERS

##### Modifications etc. (not altering text)

- C1** Sch. 19 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2(1), **Sch. Pt. 1**; S.I. 2006/1172, **art. 2(a)-(d)** (with art. 3); S.I. 2006/1279, **art. 2(a)-(d)** (with art. 3)
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##### *Compensation in respect of powers other than acquisition powers*

- 8 (1) If the value of any interest in any relevant land is depreciated by the coming into force of so much of any compulsory works order as—
- (a) confers compulsory powers, other than powers of compulsory acquisition, for the purpose of enabling any engineering or building operations to be carried out; and
  - (b) grants authority for the carrying out of the operations,
- the person entitled to that interest shall be entitled to compensation from the [F1appropriate agency] of an amount equal to the amount of the depreciation.
- (2) Where the person entitled to an interest in any relevant land sustains loss or damage which—
- (a) is attributable to so much of any compulsory works order as—
    - (i) confers compulsory powers, other than powers of compulsory acquisition, for the purpose of enabling any engineering or building operations to be carried out; and
    - (ii) grants authority for the carrying out of the operations;
  - (b) does not consist in depreciation of the value of that interest; and
  - (c) is loss or damage for which he would have been entitled to compensation by way of compensation for disturbance, if his interest in that land had been compulsorily acquired under section 154 of this Act in pursuance of a notice to treat served on the date on which the order comes into force,
- he shall be entitled to compensation from the [F1appropriate agency] in respect of that loss or damage, in addition to compensation under sub-paragraph (1) above.
- (3) Where any damage to, or injurious affection of, any land which is not relevant land is attributable to so much of any compulsory works order as—
- (a) confers compulsory powers, other than powers of compulsory acquisition, for the purpose of enabling any engineering or building operations to be carried out; and

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- (b) grants authority for the carrying out of the operations,  
 the [F<sup>1</sup>appropriate agency] shall pay compensation in respect of that damage or injurious affection to every person entitled to an interest in that land.
- (4) A person who sustains any loss or damage which is attributable to any discharge of water made by the [F<sup>1</sup>appropriate agency] in pursuance of a compulsory works order shall be entitled to recover compensation from the [F<sup>1</sup>appropriate agency] in respect of the loss or damage.
- (5) For the purposes of sub-paragraph (4) above any extra expenditure—
- (a) which it becomes reasonably necessary for any water undertaker or public authority (other than the [F<sup>1</sup>appropriate agency]) to incur for the purpose of properly carrying out any statutory functions; and
  - (b) which is attributable to any such discharge of water as is mentioned in that sub-paragraph,
- shall be deemed to be a loss sustained by the undertaker or public authority and to be so attributable.
- (6) Any question of disputed compensation under this paragraph, shall be referred to and determined by the [F<sup>2</sup>Upper Tribunal]; and in relation to the determination of any such compensation the provisions of [F<sup>3</sup>section] 4 of the M<sup>1</sup>Land Compensation Act 1961 shall apply, subject to any necessary modifications.
- (7) For the purpose of assessing any compensation under this paragraph, so far as that compensation is in respect of loss or damage consisting in depreciation of the value of an interest in land, the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (8) Where the interest in land in respect of which any compensation falls to be assessed in accordance with sub-paragraph (7) above is subject to a mortgage—
- (a) the compensation shall be assessed as if the interest were not subject to the mortgage;
  - (b) a claim for compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
  - (c) no such compensation shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
  - (d) any such compensation which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.
- (9) In this paragraph “relevant land”, in relation to a compulsory works order, means any land which is not land in relation to which powers of compulsory acquisition are conferred by the order but is—
- (a) land where any operations for which authority is granted by the order are to be carried out;
  - (b) land in relation to which compulsory powers are conferred by the order; or
  - (c) land held with any land falling within paragraph (a) or (b) above.

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**Textual Amendments**

- F1** Words in Sch. 19 para. 8 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 311(e)** (with Sch. 7)
- F2** Words in Sch. 19 para. 8(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 233(a)** (with Sch. 5)
- F3** Word in Sch. 19 para. 8(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 233(b)** (with Sch. 5)

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**Marginal Citations**

- M1** 1961 c. 33.

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