

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Paragraph 5. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1A

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

Textual Amendments

- F1** Sch. 1A inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 5](#); [S.I. 2004/641](#), art. 3(w) (with [Sch. 3 para. 7](#))

Compensation

- 5 (1) Where any person exercises any power conferred by section 4B(3)(a) or (c) or (4) of this Act, it shall be the duty of the Authority to make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise by the designated person of that power; or
 - (b) the performance of, or failure of the designated person to perform, the duty imposed by paragraph 4 above.
- (2) Compensation shall not be payable by virtue of sub-paragraph (1) above in respect of any loss or damage if the loss or damage is attributable to the default of the person who sustained it.
- (3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to the arbitration of a single arbitrator, appointed by agreement between the Authority and the person who claims to have sustained the loss or damage or, in default of agreement, by the Secretary of State.
- (4) A designated person shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of any relevant power if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.]

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