
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 11. (See end of Document for details)

SCHEDULES

SCHEDULE 4

ACQUISITION OF LAND WITHIN LIMITS SHOWN ON DEPOSITED PLANS

PART III

SUPPLEMENTARY PROVISIONS

Acquisition of part only of certain properties

- 11 (1) Where—
- (a) a notice to treat under Part I of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) above, is served in respect of land forming part only of a house, building or factory or part only of land consisting of a house with a park or garden, and
 - (b) a copy of this paragraph is served with the notice to treat,
- the following provisions of this paragraph, with paragraph 12 below, shall apply instead of section 8(1) of the Compulsory Purchase Act 1965.
- (2) The person on whom the notice to treat is served (“the owner”) may within the period of 21 days beginning with the day on which the notice to treat is served on him, serve on the Secretary of State a counter-notice objecting to the sale of the part (“the land subject to the notice to treat”) and stating that he is willing and able to sell the whole (“the land subject to the counter-notice”).
 - (3) If no counter-notice is served under sub-paragraph (2) above, the owner shall be required to sell the land subject to the notice to treat.
 - (4) If a counter-notice is served under sub-paragraph (2) above and the Secretary of State agrees to take the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
 - (5) If a counter-notice is served under sub-paragraph (2) above and the Secretary of State does not agree to take the land subject to the counter-notice, the question as to what land the owner is to be required to sell shall be referred to the [^{F1}Upper Tribunal].
 - (6) If, on a reference under sub-paragraph (5) above, the [^{F2}Upper Tribunal determines] that the land subject to the notice to treat can be taken—
 - (a) without material detriment to the remainder of the land subject to the counter-notice, and
 - (b) where the land subject to the notice to treat consists of or includes garden only land, without seriously affecting the amenity and convenience of the relevant house,the owner shall be required to sell the land subject to the notice to treat.

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- (7) If, on such a reference, the [F²Upper Tribunal determines] that only part of the land subject to the notice to treat can be taken as mentioned in sub-paragraph (6) above, the notice to treat shall, subject to sub-paragraph (8) below, be deemed to be a notice to treat for that part.
- (8) Where the land subject to the notice to treat is not land which consists of or includes garden only land, sub-paragraph (7) above shall only have effect to deem the notice to treat to be a notice to treat for land which does consist of or include garden only land if the [F²Upper Tribunal determines] that that land can be taken without seriously affecting the amenity and convenience of the relevant house.
- (9) If, on such a reference, the [F²Upper Tribunal determines]—
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, but
 - (b) that the material detriment is confined to part of the remainder of that land, then, except where sub-paragraph (10) below applies, the notice to treat shall be deemed to be a notice to treat in addition for the land to which the material detriment is confined.
- (10) If, in a case where the land subject to the notice to treat consists of or includes garden only land, the [F²Upper Tribunal determines] on such a reference that none of the land subject to the notice to treat can be taken without seriously affecting the amenity or convenience of the relevant house, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (11) If, on such a reference, the [F²Upper Tribunal determines]—
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, and
 - (b) that the material detriment is not confined to part of the remainder of that land,
- the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (12) For the purposes of this paragraph, the land subject to the notice to treat consists of or includes garden only land if it consists of the whole or part of a park or garden belonging to a house or if it includes the whole or part of such a park or garden but does not include the house (“the relevant house”) or any part of it.

Textual Amendments

- F1** Words in Sch. 4 para. 11(5) 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. 262(4)(a)** (with Sch. 5)
- F2** Words in Sch. 4 para. 11(6)-(11) 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. 262(4)(b)** (with Sch. 5)

Modifications etc. (not altering text)

- C1** Sch. 4 para. 11 applied (with modifications) (19.2.1999) by [S.I. 1999/537](#), art. 13(1), **Sch. 3 para. 1-8**

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Sch. 4 para. 11 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 paras. 1(d), **3(5)**

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