

## SCHEDULES

### SCHEDULE 5

#### TEMPORARY POSSESSION AND USE OF LAND

##### *Suspension of private rights of way*

- 5 (1) Subject to sub-paragraph (2), all private rights of way over land of which the nominated undertaker takes possession under paragraph 1 or 4 above shall be suspended and unenforceable for as long as it remains in lawful possession of the land.
- (2) The nominated undertaker may, in relation to a right of way, by direction provide—
- (a) that sub-paragraph (1) shall not apply to the right, or
  - (b) that sub-paragraph (1) shall apply to the right only to such extent as may be specified in the direction.
- (3) The nominated undertaker shall compensate any person who suffers loss by reason of the suspension of any right under sub-paragraph (1).
- (4) Any dispute as to a person's entitlement to compensation under sub-paragraph (3), or as to the amount of the compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).