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SCHEDULES

FOURTH SCHEDULE

Section 75.

FURTHER PROVISIONS WITH RESPECT TO ORDERS PROVIDING FOR EXPEDITED COMPLETION

Introductory

- 1 (1) The provisions of this Schedule shall have effect with respect to any compulsory purchase order which includes a direction, under subsection (1) of section seventy-four of this Act, that the provisions of Part V of this Act relating to expedited completion shall apply to the order so far as it relates to land specified in the direction ; and in this Schedule “the relevant land ” means the land so specified.
- (2) In this Schedule “the Act of 1845 ” means the Lands Clauses Consolidation Act, 1845, and “the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946.

Particulars to be included in notice of confirmation of order

- 2 The notice of the confirmation of the order required by paragraph 6 of the First Schedule to the Act of 1946 to be published—
 - (a) shall refer to the provisions as to entry and vesting contained in subsection (6) of section seventy-five of this Act, and
 - (b) shall include a notification to the effect that every person entitled to claim compensation in respect of any of the relevant land or any interest in such land is invited to give information to the acquiring authority, in the prescribed form, with respect to his name and address and the land and interest in question.

Certificate of acquiring authority for purpose of determining date of vesting

- 3 For the purposes of section seventy-five of this Act, a certificate given by the acquiring authority stating that the service of notices on occupiers required by subsection (5) of that section was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

Exclusion of power of entry conferred by Act of 1946

- 4 Paragraph 3 of the Second Schedule to the Act of 1946 (which provides for entry on land comprised in a compulsory purchase order before the purchase money has been paid, and without previous consent or compliance with sections eighty-four to ninety of the Act of 1845) shall not have effect in relation to the order.

Restriction on withdrawal of constructive notice to treat

- 5 The power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to

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have been served by virtue of subsection (2) of section seventy-five of this Act, not be exercisable at any time after the interest in respect of which the notice is deemed to have been served has vested in the acquiring authority by virtue of subsection (6) of the said section seventy-five.

Special provisions with respect to parts of buildings, etc.

- 6 (1) Where a part only of a house, building or manufactory, or of a park or garden belonging to a house, is comprised in the relevant land, then, if notice in that behalf is given to the acquiring authority in accordance with the provisions of the next following sub-paragraph, no notice to treat shall be deemed by virtue of subsection (2) of section seventy-five of this Act to have been served in respect of any interest in the said part; and, as from the giving of the first-mentioned notice, the order shall have effect in relation to that part as if it had not been comprised in the relevant land.
- (2) A notice under the preceding sub-paragraph in respect of any premises consisting of part of a house, building, manufactory, park or garden may be given to the acquiring authority by any person having in those premises an interest in respect of which, but for that sub-paragraph, a notice to treat would be deemed to have been served, but shall not have effect if given before the order has come into operation or after the acquiring authority have executed in respect of those premises a declaration under subsection (3) of the said section seventy-five.
- (3) Where by virtue of subsection (2) of the said section seventy-five a notice to treat is deemed to have been served in respect of any interest, section ninety-two of the Act of 1845 (which provides that a person shall not be compelled to sell part only of a building if he is prepared to sell the whole) shall, in relation to the acquisition of that interest under the order, be excepted from the incorporation (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) of the Act of 1845 with section sixty-eight of this Act.
- 7 Paragraph 4 of the Second Schedule to the Act of 1946 (which makes special provision, in substitution for section ninety-two of the Act of 1845, with respect to the compulsory acquisition of parts of buildings) shall not have effect in relation to the order.

Compensation not to be affected by provision for expedited completion

- 8 Where any of the relevant land has become vested in the acquiring authority by virtue of subsection (6) of section seventy-five of this Act, the authority shall be liable to pay the like compensation for the land, and the like interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of the Act of 1845 specified in the said subsection (6), and the provisions of that Act compliance with which would have been requisite in order to render exercisable by them the powers referred to in that subsection, had been complied with.

*Exclusion of provisions of Act of 1845 relating to
 absent parties and interests omitted to be purchased*

- 9 (1) Where a notice to treat is deemed by virtue of subsection (2) of section seventy-five of this Act to have been served in respect of any interest, the provisions of the Act of 1845 specified in the following sub-paragraph shall, in relation to the purchase of that

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interest under the order, be excepted from the incorporation (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) of the Act of 1845 with section sixty-eight of this Act.

- (2) The said provisions are sections fifty-eight to sixty-two and sixty-four to sixty-seven (which relate to the mode of ascertaining compensation to absent parties) and sections one hundred and twenty-four to one hundred and twenty-six (which relate to interests which have by mistake been omitted to be purchased).

Rentcharges and leases affecting relevant land and other land

- 10 (1) Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, charged with a rentcharge, such portion of the rentcharge as may be apportioned under section one hundred and sixteen of the Act of 1845 to the first-mentioned land shall, subject to sub-paragraph (3) of this paragraph, be treated as having been extinguished by virtue of subsection (6) of section seventy-five of this Act on the vesting of that land in the acquiring authority under that subsection.
- (2) Where by virtue of the preceding sub-paragraph a portion of a rentcharge is treated as having been extinguished, sections one hundred and fifteen to one hundred and eighteen of the Act of 1845 shall have effect as if the extinguishment had taken place under section one hundred and seventeen of that Act.
- (3) If, in the circumstances described in sub-paragraph (1) of this paragraph, the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and fifteen to one hundred and eighteen shall have effect as if, at the time of the vesting of the relevant land in the acquiring authority under subsection (6) of section seventy-five of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in section one hundred and sixteen of the Act of 1845; and, in that case, no part of the rentcharge shall be treated as having been extinguished by virtue of the said subsection (6) so far as regards the remaining part of the land charged therewith.
- (4) In this paragraph references to a rentcharge include references to any such rent service, chief or other rent, or other payment or incumbrance, as is mentioned in the words introductory to the said sections one hundred and fifteen to one hundred and eighteen.

- 11 Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, comprised in a lease for a term of years unexpired, section one hundred and nineteen of the Act of 1845 shall have effect in relation thereto with the substitution, for references therein to the time of the apportionment of rent therein mentioned, of references to the time of the vesting in the acquiring authority of the leasehold interest in the first-mentioned land under subsection (6) of section seventy-five of this Act.

Miscellaneous

- 12 Where any of the relevant land has become vested in the acquiring authority under subsection (6) of section seventy-five of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made

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the payment he did not know of the facts which constitute the cause of his being so relieved, or of some one or more of those facts, 'be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

13 Where, at the time of the vesting of an interest in the acquiring authority by virtue of subsection (6) of section seventy-five of this Act, the compensation payable in respect thereof is not finally ascertained, section twelve of the Finance Act, 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, with respect to the vesting of that interest, with the substitution, for the reference therein to the date of vesting, of a reference to the date on which the compensation has become finally ascertained.

14 Where, after land has become vested in the acquiring authority under subsection (6) of section seventy-five of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

15 (1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of subsection (2) of section seventy-five of this Act, may be referred to the Lands Tribunal shall be six years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of subsection (6) of the said section seventy-five.

(2) This paragraph shall be construed as one with Part I of the Limitation Act, 1939.