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SCHEDULES

THIRD SCHEDULE

Section 26.

PROVISIONS RELATING TO DIRECTIONS UNDER S. 26

PART I

- 1 Immediately after the Minister has given the direction, he shall publish in one or more newspapers circulating in the district a notice stating that the direction has been given, and shall also serve notice of the direction—
- (a) in the case of a direction given for the purpose specified in paragraph (c) of subsection (2) of section twenty-six of this Act, upon every owner, lessee and occupier of any land to which the right of way is appurtenant, and upon every local authority in whose area any of that land is situated;
 - (b) in the case of a direction given for any other purpose specified in the said subsection, upon every owner, lessee and occupier of the land to which the direction relates and upon every local authority in whose area any of that land is situated;
 - (c) in the case of a direction restricting the installation of apparatus or extinguishing rights to instal or maintain apparatus, upon every person whose rights to instal or maintain apparatus are affected by the direction; and
 - (d) in the case of a direction requiring the removal of any apparatus, upon the person entitled to maintain the apparatus required to be removed under the direction.

Any notice given with respect to any direction for the purpose of complying with the requirements of this paragraph shall state the effect of the direction.

In the application of this paragraph to Scotland, for the words " any land to which the right of way is appurtenant" there shall be substituted the words " the dominant tenement ".

- 2 The provisions of Part II of the First Schedule to this Act shall, with the necessary modifications, have effect in relation to the direction as they have effect in relation to orders made under section twenty-four of this Act.

PART II

- 3 Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the direction shall be entitled to recover compensation from the Minister for the diminution.
- 4 Where the direction comes into operation before the expiration of two years from the end of the war period, Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply

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in relation to any compensation payable under the foregoing paragraph as it applies where compensation is payable on the acquisition of an easement over land by virtue of Part II of that Act:

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the said Act of 1945 shall have effect as if paragraph (a) thereof were omitted therefrom.

In this paragraph the expression " war period " has the same meaning as it has in section forty of the said Act of 1945.

5 Paragraph 11 of the First Schedule to this Act shall have effect in relation to any compensation payable under paragraph 3 of this Schedule as it has effect in relation to any such compensation as is therein mentioned.

6 Any person who sustains damage by being disturbed in the enjoyment of any right in or over land in consequence of the coming into operation of the direction (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation from the Minister in respect of that damage.

7 The Minister shall pay compensation in respect of any expenditure reasonably incurred by any person for the purpose of carrying out work which is required to be carried out by the direction.

8 The compensation payable to any person by virtue of the foregoing provisions of this Schedule shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with the direction.

9 For the purpose of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

10 Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

11 Where the direction affects any building, structure, or apparatus held or used by a statutory undertaker for the purposes of his undertaking, or affects any of the rights of a statutory undertaker to instal or maintain apparatus for those purposes, or affects any right of way enjoyed by a statutory undertaker for those purposes, the undertaker shall be entitled to recover compensation from the Minister in accordance with the special provisions of Part III of this Act relating to statutory undertakers in any case in which those provisions apply, and shall not, in any such case, be entitled to recover compensation under the foregoing paragraphs of this Schedule.

This paragraph shall not apply in Northern Ireland.