



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART V

ACCESS TO OPEN COUNTRY

71 Compensation to be assessed with regard to effect of first five years of access.

- (1) For the purpose of enabling compensation under the last foregoing section to be assessed in the light of experience gained of the actual effect on land of the coming into operation of access orders, any such compensation shall not, save as hereinafter provided, be claimed or payable before the expiration of a period of five years from the coming into operation of the order giving rise to the compensation (in this and the next following section referred to as “the relevant order”).
- (2) Nothing in the last foregoing subsection shall be construed as requiring such compensation to be assessed as at a date later than the date of the coming into operation of the relevant order; but in calculating the compensation it shall be assumed that, on a sale at that date of the interest in respect of which the compensation is claimed, the purchaser would have had knowledge—
 - (a) of the actual effect during the said period, on the land in which the said interest subsists and the use of that land, of the coming into operation of the relevant order;
 - (b) of the fact and date of any revocation or variation during that period of the relevant order;
 - (c) of the fact and date of any changes during that period, as respects land comprised in the relevant order, from or to excepted land.
- (3) If during the said period of five years the relevant order is revoked, or varied so as to exclude from the operation thereof any land not being excepted land, the foregoing provisions of this section shall thereupon have effect, so far as concerns any claim for compensation in respect of the operation of the relevant order as respects the said land, as if for any reference to the said period of five years there were substituted a

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reference to the period beginning with the coming into operation of the relevant order and ending with the said revocation or variation.

- (4) Where at different times within a period of five years two or more parcels of land become comprised in access orders, and any person has an interest in each of those parcels, then, with the consent of every person having an interest in each of the parcels other than the one first so comprised, the foregoing provisions of this section shall apply in relation to each of the last mentioned parcels with the substitution for any reference to the period of five years from the coming into operation of the order by virtue of which that parcel became so comprised as aforesaid of a reference to a period of five years from the coming into operation of the order by virtue of which the first of the parcels became so comprised.

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