

SCHEDULES.

SECOND SCHEDULE

Section 50.

MODIFICATIONS OF LANDS CLAUSES ACTS.

- 1 The following sections of the Lands Clauses (Consolidation) Act, 1845, shall not be incorporated in this Act, namely, sections sixteen, seventeen, one hundred and twenty-three, one hundred and twenty-seven to one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one.
- 2 In the construction of this Act and the Lands Clauses Acts, this Act shall be deemed to be the special Act, and the Minister of Health shall be deemed to be the promoter of the undertaking.
- 3 At any time after notice to treat has been served, the Minister of Health may, notwithstanding anything in sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845, after giving not less than fourteen days', or in the case of a dwelling-house not less than twenty-eight days', notice to the owner, lessee or occupier of the land, enter on and take possession of the land specified in the notice, subject however to the payment of the like compensation and interest thereon as would have been payable under those sections.
- 4 Section ninety-two of the Lands Clauses (Consolidation) Act, 1845, shall not be incorporated with this Act, but no person shall be required to sell part only of any house or building, if he is willing and able to sell the whole of the house or building, unless the arbitrator determines that such part of the house or building as is proposed to be taken can be taken without material detriment to the house or building; and if the arbitrator so determines he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Minister of Health that part of the house or building.
- 5 Where any land compulsorily acquired is land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of the land or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice :

Provided that this paragraph shall not apply to any sum authorised to be deposited in the name of the Accountant-General of the Supreme Court by virtue of section seventy-six of the Lands Clauses (Consolidation) Act, 1845.