

SCHEDULES

FIRST SCHEDULE

PROVISIONS APPLICABLE ON WITHDRAWAL OF APPLICATION FOR FREEHOLDER'S LEASE

PART I

MORTGAGEES

- 1 On the withdrawal of an application for a freeholder's lease, the Commission shall forthwith—
- (a) give notice in writing to the electing mortgagee of the withdrawal of the application and of any payment previously made by them of or on account of the compensation in respect of the premises to which the application related ; and
 - (b) give notice in writing of the withdrawal of the application to any person to whom any such payment has been made, not being the person by whom the application was withdrawn.
- 2 Part IV of the Third Schedule to the principal Act (which relates to the payment and disposal of compensation) and paragraph 2 of the Fifth Schedule to that Act shall, as from the date of withdrawal have effect, subject to the next following paragraph, as if the following notices had not been given, namely—
- (a) the electing mortgagee's notice to the Commission under the said paragraph 2 ; and
 - (b) any notice given to the electing mortgagee by the Commission before the date of withdrawal under sub-paragraph (b) of paragraph 18 of the said Third Schedule (which requires the Commission in certain cases to give notice to a mortgagee of an interest comprised in a holding before paying compensation for that holding to some other person).
- 3 Nothing in the last foregoing paragraph shall affect the validity of—
- (a) any payment of or on account of compensation made by the Commission before the date of withdrawal; or
 - (b) any disposal by any person to whom any such payment was made of the sums paid to him, being a disposal effected before the date on which he receives notice of the withdrawal of the application under paragraph 1 of this Part of this Schedule;
- nor shall the electing mortgagee be entitled, by virtue of the last foregoing paragraph, to recover from any person to whom any such payment was made any sums properly retained thereout by him under paragraph 21 of the said Third Schedule.
- 4 In the application of this Part of this Schedule to Scotland, for any reference to sub-paragraph (b) of paragraph 18 of the Third Schedule to the principal Act there shall be substituted a reference to sub-paragraph (c) of the paragraph directed to be substituted for the said paragraph 18 by paragraph 23 of the said Schedule.