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WELSH STATUTORY INSTRUMENTS

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**2004 No. 248**

**The Vehicular Access Across Common  
and Other Land (Wales) Regulations 2004**

**Determination of the compensation sum in default of agreement**

**12.**—(1) Where no agreement can be reached on the value of the premises, either party may serve on the other a notice (the “valuation notice”) requiring the amount to be determined by a chartered surveyor.

(2) Where a valuation notice has been served, the appointment of a chartered surveyor must be agreed by the parties within one month of the service of the valuation notice and, where agreement on such appointment cannot be reached, either party may request the President of the Royal Institution of Chartered Surveyors to appoint a chartered surveyor.

(3) Where a chartered surveyor has been appointed in accordance with paragraph (2), the following provisions apply as appropriate—

- (a) where the appointment has been made by the President of the Royal Institution of Chartered Surveyors, the parties are to be equally liable for the costs of that appointment;
- (b) unless the parties agree that the chartered surveyor is to act as an independent expert, the surveyor will act as an arbitrator and the provisions of the Arbitration Act 1996(1) apply; and
- (c) where the chartered surveyor acts as an independent expert—
  - (i) the parties will be bound by the chartered surveyor’s final decision; and
  - (ii) each party must bear their own costs and be equally liable for the fees and costs of the chartered surveyor.