



British Waterways Act 1995

1995 CHAPTER i

PART II

ENTRY ON LAND

9 Payment for entry

- (1) The Board shall pay to the occupier of any land upon which entry is made in accordance with this Part a sum in respect of such entry which shall be assessed in accordance with subsections (2) and (3) below.
- (2) The sum payable under subsection (1) above shall be such sum as would have been paid if the occupier had entered into an agreement with the Board granting to them rights to enter the land for such period and for such purposes as entry has been made in accordance with this Part and (where entry is made pursuant to a notice of entry) on such conditions as are specified in any counter-notice and accepted by the Board or imposed—
 - (a) on any reference to arbitration of a counter-notice, by an arbitrator or arbiter;
 - (b) on any appeal against a counter-notice, by a court or the sheriff.
- (3) Part II of the Land Compensation Act 1961 or, in Scotland, Part III of the Land Compensation (Scotland) Act 1963, so far as material, shall apply to the assessment of the sum payable under subsection (1) above as though the rights deemed by subsection (2) above to be granted to the Board had been acquired by them compulsorily and in assessing that sum regard shall be had to the degree of inconvenience caused to the occupier by the entry.
- (4) Nothing in this section shall require the Board to defer or suspend entry on land or the carrying out of relevant operations while any dispute as to the sum payable under subsection (1) above is determined.
- (5) The rights of any person to a payment under subsection (1) above shall be without prejudice to the rights of that or any other person to recover compensation under section 10 (Compensation) of this Act.