

SCHEDULES

SCHEDULE 9

ORDERS CONFERRING COMPULSORY WORKS POWERS

Compensation in respect of powers other than acquisition powers

7.—(1) If the value of any estate in any relevant land is depreciated by the coming into force of so much of any compulsory works order as—

- (a) confers compulsory powers, other than powers of compulsory acquisition, for the purpose of enabling any engineering or building operations to be carried out; and
- (b) grants authority for the carrying out of the operations,

the person entitled to that estate shall be entitled to compensation from the applicant for the order of an amount equal to the amount of the depreciation.

(2) Where the person entitled to an estate in any relevant land sustains loss or damage which—

- (a) is attributable to so much of any compulsory works order as—
 - (i) confers compulsory powers, other than powers of compulsory acquisition, for the purpose of enabling any engineering or building operations to be carried out; and
 - (ii) grants authority for the carrying out of the operations;
- (b) does not consist in depreciation of the value of that estate; and
- (c) is loss or damage for which he would have been entitled to compensation by way of compensation for disturbance, if his interest in that land had been compulsorily acquired under Article 216 in pursuance of a vesting order made before the date on which the order comes into operation,

he shall be entitled to compensation from the applicant for the order in respect of that loss or damage, in addition to compensation under sub-paragraph (1).

(3) Where any damage (other than the depreciation of an estate in land) is attributable to so much of any compulsory works order as—

- (a) confers compulsory powers, other than powers of compulsory acquisition, for the purpose of enabling any engineering or building operations to be carried out; and
- (b) grants authority for the carrying out of the operations,

the applicant for the order shall pay compensation in respect of that damage to every person suffering that damage.

(4) For the purposes of sub-paragraph (3) any extra expenditure—

- (a) which it becomes reasonably necessary for any water undertaker or public authority (other than the undertaker making the discharge) to incur for the purpose of properly carrying out any statutory functions; and
- (b) which is attributable to so much of any compulsory works order as is mentioned in heads (a) and (b) of that sub-paragraph,

shall be deemed to be a loss sustained by the undertaker or public authority.

(5) In this paragraph “relevant land”, in relation to a compulsory works order, means any land which is not land in relation to which powers of compulsory acquisition are conferred by the order but is—

- (a) land where any operations for which authority is granted by the order are to be carried out;
- (b) land in relation to which compulsory powers are conferred by the order; or
- (c) land held with any land falling within head (a) or (b).

(6) Any question of disputed compensation under this paragraph shall be referred to and determined by the Lands Tribunal.

(7) In calculating the value of any estate for the purposes of this paragraph—

- (a) rules (2) to (4) of the rules set out in Article 6(1) of the [Land Compensation \(Northern Ireland\) Order 1982 \(NI 9\)](#) shall, so far as applicable have effect as they have effect for the purpose of assessing compensation for the compulsory purchase of land; and
- (b) if an estate to be valued is mortgaged, it shall be treated as if the mortgage had been discharged.