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SCHEDULES

SCHEDULE 3

MODIFICATION OF PART I OF COMPULSORY PURCHASE ACT 1965 FOR PURCHASE OF NEW RIGHTS

2 For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—

“8 (1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right in or over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as “the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as “the Tribunal”); and
- (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the British Railways (No. 2) Act 1992 shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the British Railways (No. 2) Act 1992 is deemed to authorise the purchase of an interest by virtue of subsection (1) above shall be determined by the Tribunal.

(3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) above, the British Railways (No. 2) Act 1992 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the acquiring authority to withdraw the notice.

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- (4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) above, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words ‘a right over’, for the word ‘severance’ there shall be substituted ‘right in or over the whole of the house, building or manufactory or of the house and the park or garden’ and for the words ‘part proposed’ and ‘part is’ there shall be substituted respectively ‘right proposed’ and ‘right is’.”.