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## SCHEDULES

### SCHEDULE 5

Section 28.

#### ADAPTATION OF PART I OF THE COMPULSORY PURCHASE ACT 1965

1 For section 7 of the Act of 1965 (measure of compensation) there shall be substituted the following:—

“7 In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had, not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injurious affection of that other land by the exercise of the powers conferred by this or the special Act.”

2 For section 8 (1) of the Act of 1965 (protection for vendor against severance of house, garden, etc.) there shall be substituted the following:—

“(1) No person shall be required to grant any right over part only—

- (a) of any house, building or factory; or
- (b) of a park or garden belonging to a house; if he is willing to sell the whole of the house, building, factory, park or garden, unless the Lands Tribunal determine that—
  - (i) in the case of a house, building or factory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or factory; or
  - (ii) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house;

and, if the Lands Tribunal so determine, the tribunal shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that right over that part of the house, building, factory, park or garden.

(1A) In considering the extent of any material detriment to a house, building or factory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal shall have regard not only to the right which is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”

3 The following provisions of the Act of 1965 (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land):—

section 9 (4) (refusal by owners to convey);

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Schedule 1, paragraph 10 (3) (owners under incapacity);  
Schedule 2, paragraph 2 (3) (absent and untraced owners); and  
Schedule 4, paragraphs 2 (3) and 7 (2) (common land);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

- 4 Section 11 of the Act of 1965 (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) shall be modified correspondingly.