

## SCHEDULES

### SCHEDULE 1

Section 2(5).

#### ACQUISITION OF LAND

#### PART I

##### SECTION 2 LAND

##### *Modification of Compulsory Purchase Act 1965*

- 1 Part I of the Compulsory Purchase Act 1965 shall have effect, in its application by virtue of section 2(2) of this Act to the acquisition of land under that section, as if—
- (a) references to an order under section 2(1) of the Acquisition of Land Act 1981 were references to section 2 of this Act; and
  - (b) in section 11(1) (power of acquiring authority having served notice to treat to enter on land after giving fourteen days notice) for the words " fourteen days" there were substituted the words " three months " .

##### *Private rights of way*

- 2 (1) All private rights of way over any land which may be acquired compulsorily under section 2 of this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on entry on the land in pursuance of section 11(1) of the Compulsory Purchase Act 1965, whichever is the sooner.
- (2) A person who suffers loss by the extinction of any private right under subparagraph (1) above shall be entitled to compensation to be determined, in case of dispute, under and in accordance with Part I of the Land Compensation Act 1961.

#### PART II

##### LAND OTHER THAN SECTION 2 LAND

##### *Objections to compulsory purchase order*

- 3 Where proceedings required by Schedule 1 to the Acquisition of Land Act 1981 to be taken in respect of a compulsory purchase order proposed to be made in pursuance of section 3 of this Act are so taken, the Secretary of State may disregard for the purposes of that Schedule any objection to the draft compulsory purchase order which in his opinion amounts in substance to an objection to the Scheme.

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*Status: This is the original version (as it was originally enacted).*

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*Compulsory acquisition of rights*

- 4 (1) In relation to the compulsory acquisition of a right by virtue of section 3(2) of this Act, the following provisions of the 1980 Act shall apply—
- (a) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act; and
  - (b) as if a compulsory purchase order providing for such a compulsory acquisition were made in the exercise of highway land acquisition powers.
- (2) The provisions mentioned above are—
- (a) section 250(4) and (5) and Part II of Schedule 19 (adaptations of Compulsory Purchase Act 1965 and the enactments relating to compensation for compulsory purchase);
  - (b) section 251 (rights acquired to be binding on successive owners of the land); and
  - (c) sections 252 and 261(2) (power of landowners affected by rights acquisition to compel acquisition of whole interest).

*Commons etc.*

- 5 Where the Secretary of State is authorised under section 3 of this Act to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment (within the meanings of paragraph 6 of Schedule 3 to the Acquisition of Land Act 1981), or rights over such land, he may be authorised under section 3 of this Act to acquire compulsorily land for giving in exchange for the land or rights acquired.

**PART III**

GENERAL

*Compensation*

- 6 (1) In assessing the compensation payable in respect of the compulsory acquisition of land under section 2 or 3 of this Act, the Lands Tribunal—
- (a) shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land is authorised to be acquired ; and
  - (b) shall take into account, and embody in its award, any undertaking given by the Secretary of State as to the use to which the land, or any part of it, will be put.
- (2) In assessing the compensation payable in respect of the compulsory acquisition of rights by virtue of section 3(2) of this Act, the Lands Tribunal—
- (a) shall have regard to the extent to which the land over which the right in question is, or is to be acquired, or any contiguous land belonging to the same person, may be benefited by the purpose for which the right may be authorised to be acquired ; and
  - (b) shall take into account, and embody in its award, any undertaking given by the Secretary of State as to the manner in which the right will be exercised.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Where by a compulsory purchase order made in pursuance of section 3 of this Act the Secretary of State acquires two or more rights over land belonging to the same person, or acquires not only one or more rights but also adjoining or adjacent land so belonging then, in applying sub-paragraph (1) or (2) above, the Lands Tribunal shall consider together the compensation payable in respect of both or all of the rights or, as the case may be, in respect of the right or rights and also the adjoining or adjacent land.
- (4) In its application in respect of a compulsory acquisition under section 2 or 3 of this Act, section 5 of the Land Compensation Act 1961 shall have effect subject to sub-paragraphs (1) and (2) above.
- 7 Part I of the Compulsory Purchase Act 1965, in its application to a compulsory acquisition under section 2 or 3 of this Act, shall have effect as if the works authorised to be executed by this Act included the principal construction works (so far as not so authorised).

*Statutory undertakers*

- 8 (1) Sections 230 to 232 of the Town and Country Planning Act 1971 (power to extinguish rights of statutory undertakers and power of statutory undertakers to remove or re-site apparatus) shall apply in relation to land acquired (whether compulsorily or by agreement) for or in connection with the principal works as they apply to land acquired as mentioned in section 230(1) of that Act, but as if—
- (a) the references in sections 230(1) and 232(1) to the development with a view to which the land was acquired or appropriated or the development to be carried out on the land were references to any of the principal works to be carried out on the land ; and
  - (b) the references in section 232(2) to beginning to carry out the development of the land were references to beginning to carry out any of the principal works on the land ;
- and all such other provisions of that Act as apply for the purposes of sections 230 to 232 (including sections 237(2) and (3), 238 and 240, which provide for the payment of compensation, and sections 233 to 236, which contain provisions consequential on the extinguishment of any rights under section 230) shall have effect accordingly.
- (2) In the provisions of that Act, as they apply by virtue of sub-paragraph (1) above in relation to land acquired for or in connection with the principal works, references to the undertaking of statutory undertakers shall be read, in relation to the Welsh Water Authority, as including any activities undertaken by the Authority in exercise of any of the functions of the Authority under Part II of the Public Health Act 1936 or under sections 14 to 16 of the Water Act 1973 (sewerage functions).