

*Status: Point in time view as at 14/07/2014.*

*Changes to legislation: Water Industry Act 1991, Cross Heading: Compensation is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

#### SUPPLEMENTAL PROVISIONS RELATING TO RIGHTS OF ENTRY

##### PART II

##### OTHER RIGHTS OF ENTRY AND RELATED POWERS

###### *Compensation*

- 11 (1) Where any person exercises any right or power to which this Part of this Schedule applies, it shall be the duty of the relevant authority to make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise by the designated person of that right or power or of any power to take any person or equipment with him when entering the premises in relation to which the right or power is exercised; or
  - (b) the performance of, or failure of the designated person to perform, the duty imposed by paragraph 10 above.
- (2) Compensation shall not be payable by virtue of sub-paragraph (1) above in respect of any loss or damage if the loss or damage—
- (a) is attributable to the default of the person who sustained it; or
  - (b) is loss or damage in respect of which compensation is payable by virtue of any other provision of this Act.
- (3) Any dispute as to a person's entitlement to compensation under this paragraph or as to the amount of any such compensation, shall be referred to the arbitration of a single arbitrator appointed by agreement between the relevant authority and the person who claims to have sustained the loss or damage or, in default of agreement—
- (a) by the <sup>F1</sup>Upper Tribunal] where the relevant authority is the Secretary of State; and
  - (b) by the Secretary of State, in any other case.

###### **Textual Amendments**

- F1** Words in [Sch. 6 para. 11\(3\)\(a\)](#) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order ([S.I. 2009/1307](#)), art. 5(1)(2), {Sch. 1 para. 221} (with Sch. 5)

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