

## SCHEDULES

### SCHEDULE 20

#### THE AGENCY: LAND

#### PART II

#### LAND: SUPPLEMENTARY

##### *Power to override easements*

- 5 (1) The erection, construction, carrying out, or maintenance of any building or work on land which has been vested in or acquired by the Agency under this Part of this Act, whether done by the Agency or by any other person, is authorised by virtue of this paragraph if it is done in accordance with planning permission, notwithstanding that it involves—
- (a) interference with an interest or right to which this paragraph applies; or
  - (b) a breach of a restriction as to the user of land arising by virtue of a contract.
- (2) Nothing in sub-paragraph (1) shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being—
- (a) a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking; or
  - (b) a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.
- (3) This paragraph applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) In respect of any interference or breach in pursuance of sub-paragraph (1), compensation shall be payable under section 7 or 10 of the Compulsory Purchase Act 1965, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by the Agency or the injury arises from the execution of works on land acquired by the Agency.
- (5) Where a person other than the Agency—
- (a) is liable to pay compensation by virtue of sub-paragraph (4); and
  - (b) fails to discharge that liability,
- the liability shall (subject to sub-paragraph (6)) be enforceable against the Agency.
- (6) Nothing in sub-paragraph (5) shall be construed as affecting any agreement between the Agency and any other person for indemnifying the Agency against any liability under that sub-paragraph.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in sub-paragraph (1).
- (8) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Agency or any body corporate in contravention of any limitation imposed by law on its capacity by virtue of its constitution.