

# SCHEDULES

## SCHEDULE 9

### POWERS IN RELATION TO LAND: SPECIAL PROVISIONS RELATING TO STATUTORY UNDERTAKERS

#### PART 1

#### COMPENSATION

##### *Application of this Part*

- 1 (1) Subject to sub-paragraph (2), this Part has effect with regard to the compensation to be paid to a statutory undertaker in respect of a right created under an order made under section 39 or 41 (“the relevant order”) over, in or in relation to land held by the statutory undertaker for the purposes of carrying on its undertaking.
- (2) Compensation is not payable under this Schedule unless the Secretary of State, in response to a representation made to him or her before the expiration of the time within which objections may be made to the relevant order, certifies that the land is in respect of its nature or situation of a kind that is comparable less with the generality of land than with land held for the purposes of the carrying on of statutory undertakings.

##### *Assessment of compensation*

- 2 (1) The amount of the compensation, if not agreed, is to be assessed by the appropriate tribunal.
- (2) “The appropriate tribunal”—
- (a) in relation to England and Wales, means the Upper Tribunal;
  - (b) in relation to Scotland, means the Lands Tribunal for Scotland.

##### *Amount of compensation*

- 3 (1) The amount of the compensation is—
- (a) in the case of land in England and Wales, an amount calculated in accordance with subsections (2) to (5), (7) and (8) of section 280 of the Town and Country Planning Act 1990 (“the 1990 Act”);
  - (b) in the case of land in Scotland, an amount calculated in accordance with subsections (2) to (5), (7) and (8) of section 233 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”).
- (2) The provisions of section 280 of the 1990 Act specified in sub-paragraph (1)(a) have effect for the purposes of this paragraph as if—
- (a) in paragraph (c) of subsection (2), the words “is under section 279(2) or (3) and” were omitted;

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*Status: This is the original version (as it was originally enacted).*

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- (b) after that paragraph there were inserted—
    - “(d) in respect of the imposition of a requirement to demolish a building or other structure either wholly or partly, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value to that person of any materials from the demolished building or structure, or from the demolished part of the building or structure, as the case may be;”;
  - (c) in the definition of “proceeding giving rise to compensation” in subsection (8)—
    - (i) in paragraph (a), the words “except in relation to compensation under section 279(4)” were omitted;
    - (ii) in that paragraph, the reference to the imposition of a requirement included a reference to anything that may be done as a result of an order made under section 39 or 41;
    - (iii) paragraph (b) were omitted.
- (3) The provisions of section 233 of the 1997 Act specified in sub-paragraph (1)(b) have effect for the purposes of this paragraph as if—
- (a) in paragraph (c) of subsection (2), the words “is under section 232(2) or (3) and” were omitted;
  - (b) after that paragraph there were inserted—
    - “(d) in respect of the imposition of a requirement to demolish a building or other structure either wholly or partly, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value to that person of any materials from the demolished building or structure, or from the demolished part of the building or structure, as the case may be;”;
  - (c) in the definition of “proceeding giving rise to compensation” in subsection (8)—
    - (i) in paragraph (a), the words “except in relation to compensation under section 232(4)” were omitted;
    - (ii) in that paragraph, the reference to the imposition of a requirement included a reference to anything that may be done as a result of an order made under section 39 or 41;
    - (iii) paragraph (b) were omitted.