

## SCHEDULES

### FIRST SCHEDULE **E+W**

#### PART I **E+W**

##### PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A COUNCIL

###### Modifications etc. (not altering text)

**C1** Pt. I repealed as to compulsory purchase by Acquisition of Land ([Authorisation Procedure Act 1946](#) (c. 49), [Sch. 4](#))

- (1) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purposes of carrying the order into effect, and of protecting the council and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts and sections seventy-seven to eighty-five of the <sup>M1</sup>Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

###### Marginal Citations

**M1** 1845 c. 20.

- (2) The order shall be published by the council in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and the owners, lessees, and occupiers of that land, as may be prescribed.
- (3) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the council and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.
- (4) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.
- (5) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by

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themselves or their agents, any authorities or parties authorised by or under this Act to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear [<sup>F1</sup>counsel or] expert witnesses.

**Textual Amendments**

**F1** Words repealed except in their application to a public inquiry by [Lands Tribunal Act 1949 \(c. 42\)](#), s. 10(4), [Sch. 2](#)

(6) ..... <sup>F2</sup>

**Textual Amendments**

**F2** [Sch. 1 Pt.I para.\(6\)](#) repealed by [Lands Tribunal Act 1949 \(c. 42\)](#), [Sch. 2](#)

(7) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act and the council shall be deemed to be the promoters of the undertaking.

(<sup>F38</sup>) Where the land is vested in the incumbent of a benefice of the Church of England the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated to be applied by the Board for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.]

**Textual Amendments**

**F3** [Sch. 1 para. 8](#) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 1](#); 2006 No. 2, Instrument made by Archbishops

**Changes to legislation:**

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