

SCHEDULES

FIRST SCHEDULE

Section

PROCEDURAL PROVISIONS OF ACQUISITION OF LAND ACT AMENDED AND APPLIED

PART I

AMENDMENTS

- 1 (1) Subject to the following sub-paragraph, in subsections (1), (3) and (5) of section three and in subsections (1) to (4) and (6) of section five, for the words " an official arbitrator," the words " the official arbitrator," and the word " he " where referring to an official arbitrator, there shall be substituted the words " the Lands Tribunal. "
- (2) In subsection (4) of the said section five the words from the beginning to the word " and " where last occurring shall be omitted.
- 2 In subsection (2) of the said section three for the words " an official arbitrator " there shall be substituted the words " a member of the Lands Tribunal " and at the end of the subsection there shall be added the words " or to him and other members ".
- 3 In subsection (4) of the said section three for the words " The official arbitrator " there shall be substituted the words " A member of the Lands Tribunal " and at the end of the subsection there shall be added the words " or before him and other members. "
- 4 In section four for the words " official arbitrator " there shall be substituted the words " member or members of the Lands Tribunal " and for the words " Reference Committee," there shall be substituted the words " rule-making authority ".

PART II

PROVISIONS REPRINTED AS AMENDED

- 3 (1) In any proceedings before the Lands Tribunal, not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs:

Provided that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.
- (2) It shall not be necessary for a member of the Lands Tribunal to make any declaration before entering into the consideration of any matter referred to him or to him and other members.
- (3) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

- (4) A member of the Lands Tribunal shall be entitled to enter on and inspect any land which is the subject of proceedings before him or before him and other members.
- (5) Proceedings under this Act shall be heard by the Lands Tribunal sitting in public.
- 4 Where notices to treat have been served for the acquisition of the several interests in the land to be acquired, the claims of the persons entitled to such interests shall, so far as practicable, and so far as not agreed and if the acquiring authority so desire, be heard and determined by the same member or members of the Lands Tribunal, and the rule-making authority may make rules providing that such claims shall be heard together, but the value of the several interests in the land having a market value shall be separately assessed.
- 5 (1) Where the acquiring authority has made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered, the Lands Tribunal shall, unless for special reasons the Lands Tribunal thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as such costs were incurred after the offer was made.
- (2) If the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority a notice in writing of the amount claimed by him giving sufficient particulars and in sufficient time to enable the acquiring authority to make a proper offer, the foregoing provisions of this section shall apply as if an unconditional offer had been made by the acquiring authority at the time when in the opinion of the Lands Tribunal sufficient particulars should have been furnished and the claimant had been awarded a sum not exceeding the amount of such offer.
- The notice of claim shall state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated, and when such a notice of claim has been delivered the acquiring authority may, at any time within six weeks after the delivery thereof, withdraw any notice to treat which has been served on the claimant or on any other person interested in the land authorised to be acquired, but shall be liable to pay compensation to any such claimant or other person for any loss or expenses occasioned by the notice to treat having been given to him and withdrawn and the amount of such compensation shall, in default of agreement, be determined by the Lands Tribunal.
- (3) Where a claimant has made an unconditional offer in writing to accept any sum as compensation and has complied with the provisions of the last preceding subsection, and the sum awarded is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons the Lands Tribunal thinks proper not to do so, order the acquiring authority to bear their own costs and to pay the costs of the claimant so far as such costs were incurred after the offer was made.
- (4) The Lands Tribunal may in any case disallow the cost of counsel
- (6) Where the Lands Tribunal orders the claimant to pay the costs or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.
- (7) Without prejudice to any other method of recovery, the amount of costs ordered to be paid by a claimant, or such part thereof as is not covered by such deduction as

aforesaid shall be recoverable from him by the acquiring authority summarily as a civil debt.

SECOND SCHEDULE

Section 10

REPEALS

Session and Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 36	The Small Holdings and Allotments Act, 1908.	In Part I of the First Schedule, in paragraph (5) the words " counsel or " except in their application to a public inquiry, and paragraph (b).
10 Edw. 7 & 1 Geo. 5. c. 8.	The Finance (1909-10) Act, 1910.	In section thirty-three, subsection (2) from the first " and" onwards and subsections (3) to (5); section thirty-four.
1 & 2 Geo. 5. c. 2.	The Revenue Act, 1911.	Section seven.
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act, 1919.	Subsections (2) to (5) of section one; in section two the words from " For the purposes of this section" onwards; subsections (6) and (7) of section three; in section five, subsection (4) to the last " and " and subsections (5) and (8); section six; section eight.
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section eighty-four, subsection (4), subsection (5) from " but" onwards and subsection (10).
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act, 1926.	In paragraph (b) of subsection (3) of section seventeen the words " counsel or", the words " and of fixing scales of costs" and the words " and scales so fixed ".
21 & 22 Geo. 5. c. 11.	The Acquisition of Land (Assessment of Compensation) (Scotland) Act, 1931.	The whole Act.

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Session and Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5. c. 55.	The Administration of Justice Act, 1932.	Section six.
25 & 26 Geo. 5. c. 15.	The Post Office (Amendment) Act, 1935.	Subsection (2) of section five except as respects the Isle of Man.
25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Act, 1935.	In paragraph (a) of subsection (6) of section eighty-two the words " unless the authority and the undertakers otherwise agree" and the words from " who " onwards.
26 Geo. 5 & 1 Edw. 8. c. 51.	The Housing Act, 1936.	In paragraph (a) of subsection (6) of section forty-nine the words " unless the authority and the undertakers otherwise agree" and the words from " who " onwards; in subsection (1) of section fifty-five the words from " by arbitration " to " 1919 ".
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	In section seventy-four subsections (2), (4) and (5).
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	Sub-paragraph (2) of paragraph 9 of the Sixth Schedule.
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	Sub-paragraph (2) of paragraph 9 of the Sixth Schedule.
9 & 10 Geo. 6. c. 70.	The Civil Aviation Act, 1946.	In subsection (4) of section twenty-seven, in subsection (3) of section thirty-one and in paragraph 12 of the Fourth Schedule, the words from " and rules " onwards.
9 & 10 Geo. 6. c. 80.	The Atomic Energy Act, 1946.	In the First Schedule, paragraph 9 from " and rules " onwards.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	Paragraph (a) of subsection (2) of section sixty from the second " and " onwards; in subsection (1) of section one hundred and ten the word " one " and the words " six and eight"; in

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Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	the Eleventh Schedule, sub-paragraph (2) of paragraph 9 of the Sixth Schedule to the Town and Country Planning Act, 1944. Paragraph (a) of subsection (2) of section fifty-seven from the second " and " onwards; in subsection (1) of section one hundred and five the word " one " and the words " six and eight"; section one hundred and six; in the Eleventh Schedule, sub-paragraph (2) of paragraph 9 of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	Subsections (2), (3) and (4) of section forty-nine; in section fifty, in subsection (1) the words " or any county court" and the words " or county court" and in subsection (3) the words " or county court"; subsection (2) of section sixty-two; in subsection (2) of section sixty-seven the words " or as the judge on any appeal to a county court"; subsection (3) of section eighty-seven.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title.	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Lands Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 19.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Finance (1909-10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.

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Short Title.	Session and Chapter
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.