

SCHEDULE 5

Environmental permits

PART 2

Compensation in relation to conditions affecting certain interests in land

Payment of compensation

- 26.**—(1) Compensation in respect of an interest which is subject to a mortgage must be paid—
- (a) to the mortgagee; or
 - (b) if there is more than one mortgagee, to the first mortgagee,
- and must, in either case, be applied by him as if it were proceeds of sale.
- (2) Amounts of compensation determined under this Part are payable—
- (a) where the operator and the grantor or mortgagee agree that a single payment is to be made on a specified date, on that date;
 - (b) where the operator and the grantor or mortgagee agree that payment is to be made in instalments at different dates, on the date agreed as regards each instalment;
 - (c) in any other case, subject to any direction of the Lands Tribunal or the court, as soon as reasonably practicable after the amount of the compensation has been finally determined.
- (3) Any question of the application of paragraph 25(3) or dispute as to the amount of compensation must be referred to and determined by the Lands Tribunal.
- (4) In relation to the determination of such a question, sections 2 and 4 of the Land Compensation Act 1961⁽¹⁾ apply as if—
- (a) the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph; and
 - (b) references in section 4 of that Act to the acquiring authority were references to the operator.

(1) Section 2 was amended by the Local Government, Planning and Land Act 1980 (c. 65), section 193 and Schedule 33.