

*Changes to legislation: There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 43.

#### PROVISIONS RELATING TO COMPENSATION

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

- C1** Sch. 2 extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), art. 2, Sch. Pts. I, II
- C2** Sch. 2 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by [The Maritime Security \(Jersey\) Order 2014 \(S.I. 2014/265\)](#), art. 2, Sch.

- 1 This Schedule applies to compensation under section 43 of this Act (in this Schedule referred to as the principal section).
- 2 No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the principal section (or in accordance with regulations made under paragraph 5 below) serves on the person by whom the measures in question were taken a notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.
- 3 In relation to any measures taken by any person on land outside a harbour area, any reference in the principal section to a direction or enforcement notice, or to compliance with a direction or enforcement notice, is to be construed as if subsection (6) of section 26 of this Act were omitted.
- 4 In calculating value for any of the purposes of the principal section—
- (a) rules (2) to (4) of the rules set out in section 5 of the <sup>M1</sup>Land Compensation Act 1961 apply with the necessary modifications, and
  - (b) if the interest to be valued is subject to a mortgage, it is to be treated as if it were not subject to the mortgage.

##### Marginal Citations

- M1** 1961 c. 33.

- 5 Regulations made by the Secretary of State by statutory instrument may make provision—
- (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, to be paid to a person other than the person entitled to it in accordance with the principal section,
  - (b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or, in Scotland, <sup>F1</sup>... to the purposes of a trust, or which was so subject at a time specified in the regulations, or

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- (c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

**Textual Amendments**

- F1** Words in Sch. 2 para. 5(b) repealed (S.) (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 122(1), 129(2), [sch. 15](#) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

- 6 A statutory instrument containing regulations made under paragraph 5 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 7 Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation or otherwise, shall be referred to and determined by the [<sup>F2</sup>Upper Tribunal] .

**Textual Amendments**

- F2** Words in Sch. 2 para. 7 substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 213\(a\)](#) (with Sch. 5)

- 8 In the application of this Schedule to Scotland—
- (a) the reference in paragraph 4(a) to section 5 of the Land Compensation Act 1961 is to be construed as a reference to section 12 of the <sup>M2</sup>Land Compensation (Scotland) Act 1963, and
- (b) the reference in paragraph 7 to the [<sup>F3</sup>Upper Tribunal is] to be construed as a reference to the Lands Tribunal for Scotland.

**Textual Amendments**

- F3** Words in Sch. 2 para. 8(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 213\(b\)](#) (with Sch. 5)

**Marginal Citations**

- M2** 1963 c. 51.

- 9 In the application of this Schedule to Northern Ireland—
- (a) the reference in paragraph 4(a) to section 5 of the <sup>M3</sup>Land Compensation Act 1961 is to be construed, notwithstanding paragraph 4 of Schedule 1 to the <sup>M4</sup>Land Compensation (Northern Ireland) Order 1982 (which confines the operation of that Order to matters within the legislative competence of the Parliament of Northern Ireland), as a reference to Article 6(1) of that Order, and
- (b) the reference in paragraph 7 to the [<sup>F4</sup>Upper Tribunal is] to be construed as a reference to the Lands Tribunal for Northern Ireland.

**Textual Amendments**

- F4** Words in Sch. 2 para. 9(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 213\(b\)](#) (with Sch. 5)

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**Marginal Citations**

**M3** 1961 c. 33.

**M4** S.I. 1982/712 (N.I. 9).

- 10 In this Schedule mortgage includes any charge or lien on any property for securing money or money's worth, and any heritable security within the meaning of section 9(8) of the <sup>M5</sup>Conveyancing and Feudal Reform (Scotland) Act 1970.

**Marginal Citations**

**M5** 1970 c. 35.

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