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**Changes to legislation:** There are currently no known outstanding effects for the Postal Services Act 2000, Cross Heading:  
New rights: specific adaptations of Lands Clauses Consolidation (Scotland) Act 1845. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### ACQUISITION OF LAND

#### PART III

#### PROCEDURE, COMPENSATION ETC (SCOTLAND)

*New rights: specific adaptations of Lands Clauses Consolidation (Scotland) Act 1845*

- 22 Without prejudice to the generality of paragraph 15 above, the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845 shall apply in relation to a universal service provider’s compulsory acquisition of a right in Scotland by the creation of a new right with the modifications specified in paragraphs 23 to 26 below.

**Marginal Citations**

**M1** 1845 c. 19.

- 23 For section 61 of that Act (estimation of compensation) there shall be substituted the following section—
- “61. In estimating the purchase money or compensation to be paid by the universal service provider under the special Act, in any of the cases aforesaid, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”
- 24 The following provisions of that Act (being provisions stating the effect of a notarial instrument or of a disposition executed in various circumstances where there is no conveyance by persons with interests in the land)—
- section 74 (failure by owner to convey),
  - section 76 (refusal to convey or show title or owner cannot be found), and
  - section 98 (vesting of common land),
- shall be so modified as to secure that, as against persons with interests in the land over which the right is to be compulsorily acquired, such right is vested absolutely in the universal service provider.
- 25 Sections 114 (compensation to be made to tenants for a year etc.) and 115 (compensation where greater interest than tenant for a year) of that Act shall apply with the modifications necessary to secure that persons with such interests as are mentioned in those sections are compensated in a manner corresponding to that in

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which they would be compensated on a compulsory acquisition of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

- 26 Sections 117 (protection of promoter of undertaking where by inadvertence an interest in land has not been purchased etc.) and 118 (provisions supplementary to section 117) of that Act shall be so modified as to enable the universal service provider, in circumstances corresponding to those referred to in those sections, to continue to be entitled to exercise the right acquired, subject to compliance with those sections as respects compensation.

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