

## SCHEDULES

### SECOND SCHEDULE

#### APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS AND COMPULSORY RIGHTS ORDERS

#### PART II

##### MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR GRANT OF COMPULSORY RIGHTS ORDERS

- 10 (1) The modifications subject to which Part I of this Schedule has effect 'as applied by subsection (3) of section twelve of this Act are those set out in the following provisions of this paragraph.
- (2) For references to a compulsory purchase order there shall be substituted references to a compulsory rights order.
- (3) There shall be included amongst the requirements with which, by virtue of paragraph 1, the application must comply a requirement that it shall state what rights are sought to be obtained by the application.
- (4) There shall be included amongst the particulars to be included in a notice published in pursuance of paragraph 3 particulars of the rights sought to be obtained by the application.
- (5) For paragraph 6 there shall be substituted the following paragraph :—
- “6 A compulsory rights order may be made with or without modification as regards the land sought to be comprised therein or the nature of the rights for the exercise of which authorisation is sought by the order but shall not, unless all persons interested consent, be so made as to authorise the person in whose favour it is made to exercise any right which the order would not have authorised him to exercise if it had been made without modification or to exercise rights in relation to any land in relation to which the order would not have authorised him to exercise rights if it had been so made.”
- (6) There shall be included amongst the particulars to be included in a notice published in pursuance of sub-paragraph (2) of paragraph 7 a statement of the rights of which (the exercise is authorised by the order.
- (7) In paragraph 8, for the words from " the order shall not be made " to the end of the paragraph (there shall be substituted the words “the order shall not be made so as to authorise (the exercise of a right over any land as to which that Minister is satisfied as aforesaid unless he is also satisfied—
- (a) that the nature and situation of the land are such (that the exercise thereover of (that right will not cause serious detriment to the carrying on of the undertaking, or

*Status: This is the original version (as it was originally enacted).*

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- (b) that such conditions will be attached to the order under section thirteen of this Act as will ensure that the exercise over the land of that right will not cause such serious detriment as aforesaid,

and certifies accordingly”.