

## SCHEDULES

### THIRD SCHEDULE

Section 11.

#### PROVISIONS FOR RENDERING COMPULSORY PURCHASE ORDERS EFFECTUAL, &C

- 1 (1) In relation to a compulsory purchase order, the Lands Clauses Acts are hereby incorporated with this Act, with the exception of the following provisions of the Lands Clauses Consolidation Act, 1845, namely.—
  - (a) sections eighty-five to eighty-eight (entry on land before purchase, on making deposit by way of security and giving bond);
  - (b) sections one hundred and fifty and one hundred and fifty one (access to the special Act).
- (2) In construing the Lands Clauses Acts as incorporated with this Act—
  - (a) this Act and the compulsory purchase order shall be deemed to be the special Act;
  - (b) references to the promoters of the undertaking shall be construed as references to the person authorised by the compulsory purchase order to purchase the land comprised therein.
- 2 For the purposes of the incorporation with this Act in relation to a compulsory purchase order of the Lands Clauses Acts the following provisions shall be deemed to be included in the Lands Clauses Consolidation Act, 1845, in substitution for section ninety-two thereof, that is to say, that no person shall be required to sell a part only of any house, building or manufactory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that, in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the Lands Tribunal so determines, it shall award compensation in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part, and thereupon the party interested shall be required to sell to the person in whose favour the compulsory purchase order is made that part of the house, building, manufactory, park or garden.
- 3 In determining a question with respect to compensation claimed in consequence of the making of a compulsory purchase order the Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land comprised in the order or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

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

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- 4 In the application of this Schedule to Scotland, for references to the Lands Clauses Consolidation Act, 1845, and to sections eighty-five, eighty-eight, ninety-two, one hundred and fifty and one hundred and fifty-one thereof, there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act, 1845, and to sections eighty-four, eighty-six, ninety, one hundred and forty-two and one hundred and forty-three thereof.