

SCHEDULES.

FIRST SCHEDULE

Sections 3 and 24.

PART I

MODIFICATIONS OF LANDS CLAUSES ACTS

The modifications subject to which the Lands Clauses Acts are incorporated in Part I of this Act are as follows :—

- (a) the bond required by section eighty-five of the Lands Clauses (Consolidation) Act, 1845, shall be under the seal of the Minister and shall be sufficient without sureties.
- (b) In lieu of section ninety-two of the Lands Clauses (Consolidation) Act, 1845, the following provisions shall have effect—

“No person shall be required to sell any land which forms part of any park, garden, or pleasure ground attached to and usually occupied with a dwelling-house or forms part of the home farm usually occupied with a mansion house, if he is willing and able to sell the whole of the park, garden, pleasure ground or home farm with the dwelling-house or mansion house; and no person shall be required to sell a part only of any house or building, if he is willing and able to sell the whole of the house or building, unless the arbitrator determines that such part of the house or building as is proposed to be taken can be taken without material detriment to the house or building; and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Minister that part of the house or building; and”

- (c) where any land compulsorily acquired is glebe land or other land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

PART II

PROVISIONS TO BE COMPLIED WITH BY MINISTER BEFORE GIVING NOTICE IN ACCORDANCE WITH 8 & 9 VICT. C. 18. S. 18

- 1 Before giving notice in accordance with section eighteen of the Lands Clauses (Consolidation) Act, 1845, of his intention to acquire any land otherwise than by agreement, the Minister shall (save as in this Act otherwise expressly provided)—

- (a) publish in one or more newspapers circulating within the district in which the land is situated a notice stating the fact that he intends to acquire the land compulsorily and describing by reference to a map the area proposed

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

to be acquired and naming the place where a copy of the map may be seen at all reasonable hours; and

- (b) serve on every owner, lessee and occupier (except tenants for one, or a less period than one, month) of the land a notice stating that he intends to acquire the land compulsorily and specifying the time within and the manner in which objections to the compulsory acquisition thereof can be made.

- 2 If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may serve notice to treat in accordance with the said section eighteen and proceed to acquire the land accordingly, but, in any other case, he shall not acquire the land compulsorily unless authorised to do so by means of a Provisional Order made by him and confirmed by Parliament, and for that purpose the Minister may submit a Bill to Parliament for the confirmation of any such Provisional Order:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof, and if he is of opinion that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed, he may refer the objections to such one of the panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, as may be selected by rules made by the reference committee under that Act, and if that arbitrator agrees that no objection relates to any matter which cannot be so dealt with as aforesaid, all such objections shall be deemed for the purposes of this paragraph to have been withdrawn.