
STATUTORY INSTRUMENTS

1977 No. 84

**The Internal Drainage Boards (Acquisition of
New Interests and Rights) Regulations 1977**

Specific modifications of Act of 1965

9. Without prejudice to the generality of regulation 3 above, Part I of the Act of 1965 shall apply in relation to the compulsory acquisition by an internal drainage board of an interest in or right over land by way of securing compulsorily the creation in their favour of a new interest or right with the modifications specified in paragraphs 10 to 15 below.

10. For section 7 of that Act (measure of compensation) there shall be substituted the following:

—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land in or over which the interest or right is to be acquired is depreciated by the acquisition of the interest or 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.”

11. For section 8(1) of that Act (protection for vendor against severance of house, garden, etc) there shall be substituted the following:—

“(1) No person shall be required to grant any interest in or right over part only—

- (a) of any house, building or manufactory, or
- (b) of a park or garden belonging to a house,

if he is willing to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that—

- (i) in the case of a house, building or manufactory, the part over which the interest or right is proposed to be acquired can be made subject to that interest or right without material detriment to the house, building or manufactory, or
- (ii) in the case of a park or garden, the part in or over which the interest or right is proposed to be acquired can be made subject to that interest or right without seriously affecting the amenity or convenience of the house;

and if the Lands Tribunal so determine, the Tribunal shall award compensation in respect of any loss due to the acquisition of the interest or right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that interest or right over that part of the house, building, manufactory, park or garden.

(1A) In considering the extent of any material detriment to a house, building or manufactory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal shall have regard not only to the interest or right which is to be acquired in or over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”.

12. The following provisions of that Act (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land):—

- section 9(4) (refusal by owners to convey);
- Schedule 1, paragraph 10(3) (owners under incapacity);
- Schedule 2, paragraph 2(3) (absent and untraced owners); and
- Schedule 4, paragraphs 2(3) and 7(2) (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the interest or right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

13. Section 11 of that Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any interest or right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that interest or right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) shall be modified correspondingly.

14. Section 20 of that Act (protection for interests of tenants at will, etc) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in 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 interest or right in question.

15. Section 22 of that Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue entitled to exercise the interest or right acquired, subject to compliance with that section as respects compensation.