Wheat, barley, oats, rye, dredge corn, feeding beans, flax, linseed and row and fodder crops (other than grass) not hereinbefore specified or described	10
Other commercial crops (including grass)	7½

4. Where the land was bare on the 31st day of January, 1953, and the retention thereof free from any commercial crop during the year 1953 is approved, acreage payments shall be at the rate of £8 per acre of land.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

Section 13 (1) of the Coastal Flooding (Emergency Provisions) Act, 1953, confers power on the Minister of Agriculture and Fisheries to make a scheme providing for acreage payments for the purpose of promoting the rehabilitation of arable or pasture land in England that was flooded or otherwise damaged by salt water in the period beginning on 31st January, 1953. Such acreage payments are to be made in respect of the dealing with such land in one of the modes (set out in subsection (2) of the section) best calculated to secure rehabilitation. These modes include resting the land, laying it down to pasture or sowing an approved crop according to the circumstances of the particular case.

The present scheme is made by the Minister of Agriculture and Fisheries with the approval of the Treasury, and makes provision for such payments. It prescribes the different classes of land for which payment may be made, and fixes the rates of payment for such land, and contains provisions for the computation of the acreage by reference to which payment is to be calculated.

The scheme also provides for the rate of payment to be made by way of contribution to allotment associations, local authorities or societies under Section 14 of the Act towards the rehabilitation of allotment gardens that were damaged by salt water.

The scheme relates to rehabilitation carried out during the year 1953.

1953 No. 1011

The Coastal Flooding (Compensation for Emergency Work) Order, 1953*

Made - - - - *25th June,* 1953

The Minister of Agriculture and Fisheries, in exercise of the power conferred on him by section ten of the Coastal Flooding (Emergency Provisions) Act, 1953(a), with the approval of the Treasury, hereby makes the following Order :—

Citation

1. This Order may be cited as the Coastal Flooding (Compensation for Emergency Work) Order, 1953.

(a) 1 & 2 Eliz. 2. c. 18.

* This order was classified as local, inasmuch as its application was of limited extent.

Interpretation

2.—(1) In this Order—

"the Act" means the Coastal Flooding (Emergency Provisions) Act, 1953(**a**).

"the restoration period" has the meaning assigned to it by Article 6 of this Order.

(2) The Interpretation Act, 1889(**b**), shall apply in relation to this Order as if this Order were an Act of Parliament.

Compensation for work interfering with enjoyment of or injuriously affecting land

3. Where work done (whether before or after the making of this Order) in exercise of the powers conferred by or under Part I of the Act interferes with the enjoyment of or injuriously affects any land, then, subject to the following provisions of this Order, compensation shall be paid in respect thereof under Articles 4 and 5 of this Order.

4.—(1) Subject to the next following paragraph, compensation under this Article shall be paid to the person for the time being entitled to occupy the land on which the work is done, if and so long as its rental value is less than it would be but for the doing of the work, and shall be an amount equal to the difference.

(2) The period in respect of which compensation under this Article is payable shall not in any case extend beyond the end of the restoration period.

(3) Compensation under this Article shall be paid in instalments quarterly in arrear, but shall be deemed to accrue due from day to day, and shall be apportionable in respect of time accordingly.

(4) In this Article the expression "rental value" means, in relation to any land, the rent at which the land might reasonably be expected to let from year to year, if the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent.

5.—(1) Subject to the following provisions of this Article, compensation under this Article shall be paid to any person disturbed by the doing of the work in his enjoyment of the land on which the work was done or having an estate or interest in any land injuriously affected at the end of the restoration period by the doing of the work, and shall be assessed as follows:—

(*a*) as respects the injurious affection of the land on which the work was done, it shall be the amount by which the value of the estate or interest at the end of the restoration period is less than it would be but for the doing of the work, and the Acquisition of Land (Assessment of Compensation) Act, 1919(**c**), and Part V of the Town and Country Planning Act, 1947(**d**), shall apply, with the necessary modifications, for the purpose of assessing that amount;

(**a**) 1 & 2 Eliz. 2. c. 18. (**b**) 52 & 53 Vict. c. 63. (**c**) 9 & 10 Geo. 5. c. 57. (**d**) 10 & 11 Geo. 6. c. 51.

(*b*) as respects the disturbance, and the injurious affection of any other land, it shall be such amount as would be payable by a river board under the Lands Clauses Consolidation Act, 1845(**a**), by way of compensation for that disturbance and injurious affection if the land on which the work was done had been compulsorily acquired by the board under an enactment incorporating the said Act and the work had been done in exercise of powers conferred by that enactment.

(2) Where the work is such as is in the Act referred to as bank construction, or earth getting or access road works combined with bank construction, and a person claiming compensation under this Article is, or is claiming through or under, an owner of a building that has been demolished or damaged in connection with the work, then, if the owner has, at any time after the twenty-fifth day of March, nineteen hundred and fifty-three, been notified by a person acting on behalf of a river board of its being likely that the building would have to be so demolished or damaged, any repair, improvement or alteration of the building, or other work done thereon, after the date on which the notice was given shall be disregarded in determining the question whether any and if so what compensation under this Article is payable to the claimant.

(3) Compensation under this Article shall accrue due and be payable at the end of the restoration period.

(4) Compensation shall not be paid under this Article in respect of work done by a river board or other authority on any land if the land or an interest therein is compulsorily acquired by the board or authority in pursuance of a notice to treat which is served, or by virtue of subsection (2) of section six of the Act is deemed to have been served, before the expiration of the period during which the board or authority are entitled under subsection (4) of section four of the Act to do work needed for restoring the land or making good any damage thereto.

Meaning of "restoration period"

6. The restoration period referred to in the preceding provisions of this Order is, in relation to any work done by a river board or other authority, the period ending with whichever of the following days is the earliest, that is to say—

(*a*) the last day on which the board or authority are entitled under subsection (4) of section four of the Act to do work needed for restoring the land on which the work was done or making good any damage thereto;

(*b*) the day specified in a notice in writing served by the board or authority on the person entitled to occupy the land as the day on which the land is restored, so far as practicable, to the condition in which it would have been but for the doing of the work or as the day after which no work needed for restoring the land or making good the damage will be done by the board or authority;

(*c*) if the board or authority are, or by virtue of subsection (2) of section six of the Act are deemed to be, authorised to purchase compulsorily the land on which the work was done or any interest therein, the day on which the notice to treat is served or is deemed to have been served by virtue of that section.

A notice for the purposes of paragraph (*b*) of this Article may be sent by post.

(**a**) 8 & 9 Vict. c. 18.

Compensation for damage to private ways

7.—(1) Where by the exercise of the power conferred by subsection (1) of section seven of the Act any damage has been done to any road, path or other formed way, compensation shall be paid under this Article of an amount equal to the cost of repairing the damage so far as it has not been made good by a river board.

(2) Compensation under this Article shall be payable—

(*a*) where the damage is repaired before the end of the period during which the river board would be entitled under the said section to make it good, at the time when the repair is completed;

(*b*) in any other case, at the end of the said period,

and shall be paid to the person who, apart from the compensation, would then bear the cost of the repair, it being assumed that any person liable to defray or contribute to that cost would perform his obligation.

Compensation for damage to or protection of drains, sewers, or apparatus of statutory undertakers

8. Where the exercise of powers conferred by or under Part I of the Act has caused damage to drains or sewers vested in a local authority or to any apparatus belonging to gas, electricity, water or hydraulic power undertakers or would have caused damage thereto but for their removal or other protective measures taken by the authority or undertakers, compensation of an amount equal to the cost of making good the damage or of the removal or other protective measures shall be paid to the authority or undertakers and shall be payable when the river board liable to pay it are notified in writing of the damage or measures.

Interest on compensation

9. Any compensation under this Order shall carry interest from the date on which it becomes payable at the rate for the time being prescribed by the Treasury under section ten of the Compensation (Defence) Act, 1939(**a**).

Payment of and claims for compensation

10.—(1) Any compensation payable under this Order in consequence of anything done on any land shall be paid by the river board in whose area the land is situate.

(2) A river board shall not entertain any claim for compensation under this Order unless it is made within six months from the date on which the compensation becomes payable or such longer period as the board may in special circumstances allow and (except in the case of a claim under Article 8 of this Order) is made by notice in the form prescribed in relation to the claim by the Schedule to this Order.

(3) The reference in the last foregoing paragraph to the date on which the compensation becomes payable shall be construed, in relation to compensation payable under Article 4 of this Order, as a reference to the date on which the last instalment thereof becomes payable.

Determination of claims

11.—(1) Any dispute arising on a claim for any compensation under this Order shall be determined by the Lands Tribunal.

(**a**) 2 & 3 Geo. 6. c. 75.

(2) For the purposes of any reference to the Lands Tribunal under this Article, section five of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which relates to costs), shall have effect with the substitution for references to the acquiring authority of references to the river board from which the compensation is claimed.

Adjustment of compensation for compulsory acquisition of land affected by work under Act

12.—(1) The following provisions of this Article shall have effect where any land on which work has been done by a river board or other authority in exercise of powers conferred by or under Part I of the Act is compulsorily acquired by the board or authority in pursuance of a notice to treat which is served, or by virtue of subsection (2) of section six of the Act is deemed to have been served, before the expiration of the period during which the board or authority are entitled under subsection (4) of section four of the Act to do work needed for restoring the land or making good any damage thereto.

(2) Subject to the next following paragraph, in assessing the compensation payable on the acquisition such adjustments shall be made therein (so far as it depends on the value or changes in the value of any land) as are necessary to offset any increase or diminution attributable directly or indirectly to, or to a combination of, either of the following factors, that is to say—

(*a*) any damage occurring to the land acquired or any contiguous or adjacent land in consequence of the exercise of such powers as aforesaid ;

(*b*) any work done on any such land in the exercise of those powers :

Provided that in assessing any compensation for injurious affection of land other than the land acquired, account shall be taken of the actual state of the land acquired as existing at the date of the notice to treat.

(3) Where a building has been demolished or damaged in the exercise of those powers and an owner of the building has, at any time after the twenty-fifth day of March, nineteen hundred and fifty-three, been notified by a person acting on behalf of a river board of its being likely that the building would have to be demolished or damaged, then, in assessing the compensation payable to the owner or a person claiming through or under him, sub-paragraph (*a*) of the last foregoing paragraph shall not enable account to be taken of any enhancement of the value of his interest which was attributable to any repair, improvement or alteration of the building, or other work done thereon, after the date on which the notice was given.

(4) Interest at the rate for the time being prescribed by the Treasury under section fifty-seven of the Town and Country Planning Act, 1947 shall be payable on the compensation from the time on which the land acquired has first been entered in exercise of the said powers:

Provided that in the case of any compensation payable to a person who was entitled to occupy the land before the date of the notice to treat, or to a person claiming through or under such a person, this paragraph shall not apply unless any claim, in respect of the land, to compensation under Article 4 of this Order is abandoned.

(5) References in this Article to the acquisition of any land include references to the acquisition of any interest therein, and references to the land acquired shall be construed accordingly.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twenty-fourth day of June, nineteen hundred and fifty-three.

(L.S.)

Tom Dugdale,
Minister of Agriculture and Fisheries.

Approved this twenty-fifth day of June, nineteen hundred and fifty-three.

Edward Heath,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

FORM 1

COASTAL FLOODING (COMPENSATION FOR EMERGENCY WORK) ORDER, 1953

Claim by Occupier of Land for Compensation under Article 4 in respect of the doing of work on land

To:
The River Board.

(1) Name of Claimant ... ... Address ... ... Business or description	
(2) Situation and precise description of the property	
(3) Nature of Interest entitling claimant to occupy property ... ... If tenancy, give full particulars ...	
(4) Particulars of work done on the land and/or buildings	
(5) Particulars of Claim showing the amount calculated in respect of (*a*) the rental value of the land and/or buildings if the work had not been done ... ... (*b*) the diminution of the rental value of the land and/or buildings ascribable to the doing of the work	

DATED the day of 19 .
Signature of Claimant
Name and Address of Solicitor (if any)
Name and Address of Surveyor (if any)

FORM 2

COASTAL FLOODING (COMPENSATION FOR EMERGENCY WORK) ORDER, 1953

Claim under Article 5 for disturbance from, or injurious affection of land

To: The River Board.

(1) Name of Claimant ... ... Address ... ... Business or description	
(2) Situation and precise description of the property of the Claimant ...	
(3) Nature of estate or interest of the Claimant	
(4) Particulars of mortgages, charges or incumbrances on that estate or interest, stating the names and addresses of mortgagees, chargees or incumbrancers	
(5) Particulars of work done ... ... [*Note.*—If the work is not done on the land of the Claimant, the situation of the land on which the work is done should be stated.]	
(6) Particulars of Claim: (i) for disturbance (where applicable) ... ... (ii) for injurious affection of claimant's estate or interest... ... [Details should be furnished, showing how the amount claimed under any head is calculated.]	

DATED the day of 19 .

Signature of Claimant

Name and Address of Solicitor (if any)

Name and Address of Surveyor (if any)

FORM 3

COASTAL FLOODING (COMPENSATION FOR EMERGENCY WORK) ORDER, 1953

Claim under Article 7 for Compensation for damage to private way

To:

The River Board.

(1) Name of Claimant ... ... Address ... ... Business or description	
(2) Route of road, path or way damaged by the exercise of the power under section 7 of the Coastal Flooding (Emergency Provisions) Act, 1953	
(3) Nature of way (i.e., footpath, bridleway, carriageway, etc.)	
(4) Reason why Claimant would bear cost of repairs	
(5) Expenses incurred, or to be incurred, by claimant in repairing damage [If the repair has been completed date of completion should be stated.]	
(6) If claimant is entitled to recover the whole or part of the expenses from another person, name of that person and amount recoverable	

DATED the day of 19 .

Signature of Claimant

Name and Address of Solicitor (if any)

Name and Address of Surveyor (if any)

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

Under the Coastal Flooding (Emergency Provisions) Act, 1953, work necessary for protecting the areas affected by the floods of January, 1953, may be done by river boards and certain other authorities without the consent of the persons whose interests may be affected. This Order makes provision for compensating such persons for damage suffered by them as a result of the work.

Articles 3 to 5 provide for compensation to persons having interests in land on which such work is done or adjoining land. Following lines similar to those adopted under the Compensation (Defence) Act, 1939, in respect of work done in the exercise of emergency powers, the Articles provide, first, for periodical payments during a limited period to the occupier of land on which the work is done and, secondly, for a lump sum payment at the end of that period to anyone who has an interest in that or any other land permanently depreciated by the work.

Article 7 provides for the payment by river boards of the costs of any repairs to private roads that may become necessary as a result of their user under the powers conferred by the Act and Article 8 indemnifies sanitary authorities and statutory undertakers whose installations may have to be protected or may be damaged in the course of work authorised by the Act.

Article 11 provides for the determination of disputed claims by the Lands Tribunal and Article 12 provides for adjustments in the compensation payable where land affected by work authorised under the Act is compulsorily acquired. Such compensation is to be calculated so that no account is taken of any works executed under the Act on any land in so far as they either increase or diminish the value of that land. Under Article 12 (4) interest on the compensation is payable as from the time on which the land is first entered under powers conferred by the Act, except where the occupier of the land receives periodical payments under Article 4.