

1ST SCH.
—cont.

been made is first published in accordance with the requirements of this Act, make an application to the High Court; and on any such application the Court—

- (a) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the order or any provision contained therein is not within the powers of the Minister, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects the applicant.

7. Subject to the provisions of the last foregoing paragraph, the order shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the expiration of six weeks from the date on which notice of the making of the order is first published in accordance with the requirements of this Act.

8. This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall have effect in relation to an order to which that Act applies as if in paragraph 6, for the reference to the time when notice that the order has been made is first published in accordance with the requirements of this Act, there were substituted a reference to the time when the order becomes operative under the said Act of 1945, and as if in paragraph 7 the words from “and shall become operative” to the end were omitted.

PART III

9. Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the order shall be entitled to recover compensation from the Minister for the diminution, and the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect accordingly.

10. Where the order comes into operation before the expiration of two years from the end of the war period, Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply in relation to any compensation payable under the foregoing provisions of this Schedule as it applies where compensation is payable on the acquisition of an easement over land by virtue of Part II of that Act:

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the said Act of 1945 shall have effect as if for the reference therein to the date of the notice to treat there were substituted a reference to the date on which the order comes into operation.

In this paragraph the expression “war period” has the same meaning as it has in section forty of the said Act of 1945.