

83C. Compensation

- (1) An authorised person or his assistants shall do as little damage as is practicable in exercising the powers conferred by this Part.
- (2) Where within one year of the exercise of a power conferred by this Part, a person suffers damage of which the exercise of the power is the proximate cause, he is entitled to compensation for the damage from the Minister or the local authority by whom, or by whose direction, the power is exercised, if within 30 days of the occurrence or commencement of the damage or within 12 months where notice of intention to enter the land was not given to the owner or occupier as required by section 83A(3) he serves on the Minister or local authority a written claim for compensation for the damage.
- (3) Subject to subsection (2), a claim shall be made and compensation assessed in accordance with Part 10 of the *Land Administration Act 1997* as if a reference in that Part to the acquiring authority were a reference to the Minister or local government.
- (4) The Minister or local government shall offer to negotiate with the occupier of, or the proprietor of any interest in, the land affected by an act under this Act for the payment of compensation for any damage caused, or expected to be caused, by the act, and a person who enters into such an agreement shall not be entitled to claim compensation for that damage under subsection (2).

[Section 83C inserted by No. 48 of 1953 s. 6; amended by No. 31 of 1997 s. 50.]