

101. Compensation where road interfered with or wholly closed

- (1) No compensation shall be payable in respect of the use or occupation of any part of any road or street for any railway, under the powers conferred by the 2 last preceding sections, or for or in respect of any inconvenience or damage to any lands fronting or adjoining any such road or street arising out of the exercise of the said powers or the construction of the railway upon such part of such road or street.
- (2)
 - (a) No compensation shall be payable in respect of any road or street being wholly closed under the powers conferred by this Act, or in respect of the use or occupation thereof for any railway, or for or in respect of any such inconvenience or damage as mentioned in the last subsection, if reasonable and sufficient access to the nearest road or street crossing over such railway be afforded by some other road or street, whether such last-mentioned road or street has been provided or constructed by the Public Transport Authority or not.
 - (b) If any question arises as to whether such other reasonable and sufficient access as aforesaid is afforded, the same shall be determined in such manner as shall be agreed upon between the local authority having the control of roads or streets in the district and the Public Transport Authority; or if they disagree, as shall be determined upon by some independent person appointed by the Governor; and every such determination shall be conclusive as to the rights or claims of all persons affected.

[Section 101 amended by No. 31 of 2003 s. 166(1).]