# 1973 No. 1896 (N.I.21)

# NORTHERN IRELAND

## The Land Acquisition and Compensation (Northern Ireland) Order 1973

*Laid before Parliament in draft*

*Made* 13*th November* 1973

*Coming into operation in accordance with Article* 1(2)

ARRANGEMENT OF ORDER

PART I

INTRODUCTORY


Article

1. Title and commencement.
2. Interpretation.
3. Temporary provision.

PART II

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

4. Right to compensation.
5. Interests qualifying for compensation.
6. Claims.
7. Assessment of compensation: general provisions.
8. Assessment of compensation: assumptions as to planning permission.
9. Reduction of compensation where other land is benefited.
10. Exclusion of minimal compensation.
11. Other restrictions on compensation.
12. Alterations to public works and changes of use.
13. Mortgages, trusts for sale and settlements.
14. Interests acquired by inheritance.
15. Tenants entitled to enlargement or extension under the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.
16. Special provision for claims arising before commencement date.
17. Information for ascertaining relevant date.
18. Disputes.
19. Action for nuisance following unsuccessful claim where responsible authority have disclaimed statutory immunity.
20. Interest on compensation.
21. Interpretation of Part II.

PART III

MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

*Insulation against noise*

22. Sound-proofing of buildings affected by public works.
23. Sound-proofing of buildings affected by aerodromes.

*Powers of road authorities*

24. Acquisition of land in connection with roads.
25. Execution of works in connection with roads.
26. Agreements as to use of land near roads.

*Powers of authorities responsible for other public works*

27. Acquisition of land in connection with public works.
28. Execution of works etc. in connection with public works.

*Expenses of persons moving temporarily during construction works etc.*

29. Power to pay expenses of persons moving temporarily during construction works etc.

PART IV

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

*Home loss payments*

30. Right to home loss payment where person displaced from dwelling.
31. Amount of home loss payment.
32. Supplementary provision about home loss payments.
33. Home loss payments for certain caravan dwellers.

*Farm loss payments*

34. Right to farm loss payment where person displaced from agricultural unit.
35. Amount of farm loss payment.
36. Supplementary provisions about farm loss payments.

*Disturbance payments*

37. Disturbance payments for persons without compensatable interests.
38. Amount of disturbance payment.

*Other payments*

39. Payments for certain Housing Executive tenants.

*Rehousing*

40. Duty to rehouse residential occupiers.
41. Duty to rehouse certain caravan dwellers.
42. Power of Housing Executive to make advances repayable on maturity to displaced residential owner-occupiers.
43. Duty of displacing authority to indemnify Housing Executive for net losses.
44. Power of relevant authority to defray expenses in connection with acquisition of new dwellings.

PART V

COMPULSORY ACQUISITION

*Assessment of compensation*

45. Compensation for injurious affection.
46. Compensation for acquisition of dwelling specially adapted for person in need.
47. Compensation for disturbance where business carried on by person over sixty.
48. Compensation where occupier is rehoused.

*Advance payment of compensation*

49. Right to advance payment of compensation.

*Severance of land*

50. Vesting order in respect of part of agricultural land.
51. Effect of notice under Article 50.
52. Acquisition of part of tenanted agricultural holding.
53. Effect of notice under Article 52.
54. Determination of material detriment where part of house etc. is compulsorily acquired.

*Miscellaneous*

55. Interest on compensation for injurious affection where no land taken.

PART VI

PLANNING BLIGHT

*Extension of classes of blighted land*

56. Land affected by proposed development plan.
57. Land affected by proposed exercise of powers under Article 24.
58. Extension of section 1 of the Act of 1971.

*Attempts to sell blighted property*

59. Amended requirements about attempts to sell blighted property.

*Blight notices by personal representatives*

60. Power of personal representative to serve blight notice.

*Blight notices in respect of agricultural units*

61. Blight notices requiring purchase of whole agricultural unit.
62. Objection to blight notice requiring purchase of whole agricultural unit.
63. Effect of blight notice requiring purchase of whole agricultural unit.

*Supplementary*

64. Supplementary provisions.

PART VII

ACQUISITION OF LAND BY MINISTRY OF FINANCE

65. Compulsory acquisition of land required for the public service.
66. Power to enter on lands.

PART VIII

MISCELLANEOUS PROVISIONS

67. Planning.
68. Certificates of alternative development.

69. Receipts for payments made under this Order.
70. Application to Crown.
71. Financial provisions.
72. Amendments and repeals.

SCHEDULES:

SCHEDULE 1—Modifications of Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purposes of Article 65.

SCHEDULE 2—Amendment of the Planning and Land Compensation Act (Northern Ireland) 1971 (c. 23).

SCHEDULE 3—Repeals.

At the Court at Buckingham Palace, the 13th day of November 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

## PART I

## INTRODUCTORY

*Title and commencement*

**1.**—(1) This Order may be cited as the Land Acquisition and Compensation (Northern Ireland) Order 1973.

(2) This Order except Part II shall come into operation on the fourteenth day after the day on which this Order is made and Part II shall come into operation one month after the day on which this Order is made.

(3) The provisions of Part V relating to the assessment of compensation do not affect any compensation which fell or falls to be assessed by reference to prices current on a date before 17th October 1972.

*Interpretation*

**2.**—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) In this Order—

"agriculture", "agricultural" and "agricultural land", except in Part VI and Schedule 2, have the same meanings as in section 43 of the Agriculture Act (Northern Ireland) 1949(c) and references to the farming of land include references to the carrying on in relation to the land of any agricultural activities;

"agricultural unit" has the same meaning as in section 10(1) of the Planning and Land Compensation Act (Northern Ireland) 1971(d) as amended by Schedule 2;

(a) 1972 c. 22. (b) 1954 c. 33 (N.I.). (c) 1949 c. 2 (N.I.). (d) 1971 c. 23 (N.I.).

"acquiring authority", in relation to an interest in land, means the person by whom the interest is, or is proposed to be, acquired;

"authority possessing compulsory acquisition powers" means a person with power to acquire an interest in land otherwise than by agreement;

"aerodrome" has the same meaning as in section 19(1) of the Aerodromes Act (Northern Ireland) 1971(a);

"carriageway" means a way constituting or comprised in a road, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"cycle track" means a way constituting or comprised in a road, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot;

"disturbance payment" has the meaning assigned to it by Article 37(1);

"dwelling" means a building or part of a building occupied or (if not occupied) last occupied or intended to be occupied as a private dwelling and (except in Article 30) includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that building or part;

"farm loss payment" has the meaning assigned to it by Article 34(1);

"home loss payment" has the meaning assigned to it by Article 30(1);

"Housing Executive" means the Northern Ireland Housing Executive;

"mortgage" includes a charge or lien for securing money or money's worth;

"person in need" has the same meaning as in the Health and Personal Social Services (Northern Ireland) Order 1972(b);

"road" means a road maintainable by a road authority;

"road authority" in relation to any road, means the road authority for the road within the meaning of the Roads Act (Northern Ireland) 1948(c) and includes a special road authority within the meaning of the Special Roads Act (Northern Ireland) 1963(d);

"statutory provision" has the meaning assigned to it by section 1 (*f*) of the Interpretation Act (Northern Ireland) 1954;

"tenancy" includes a tenancy created or renewed in pursuance of any enactment, but does not include—

(*a*) a mortgage term;

(*b*) any estate arising in favour of a mortgagor solely by reason of his attorning tenant to his mortgagee;

"transferred provision" has the meaning assigned to it by section 1(*g*) of the Interpretation Act (Northern Ireland) 1954.

(3) Articles 24 to 26 and, so far as it relates to roads, 29 shall be construed as one with the Roads Act (Northern Ireland) 1948.

*Temporary provision*

**3.** So long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect paragraph 4(5) of the Schedule to that Act applies to any regulations which are not authorised by this Order to be made unless a draft thereof has been approved by a resolution of each House of Parliament.

(a) 1971 c. 15 (N.I.). (b) S.I. 1972/1265 (N.I. 14). (c) 1948 c. 26 (N.I.). (d) 1963 c. 12 (N.I.).

## PART II

### COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

*Right to compensation*

**4.**—(1) Where the value of an interest in land is depreciated by physical factors caused by the use of public works, then, if—

(*a*) the interest qualifies for compensation under this Part; and

(*b*) the person entitled to the interest makes a claim within the time limited by and otherwise in accordance with this Part,

compensation for that depreciation shall, subject to the provisions of this Part, be payable by the responsible authority to the person making the claim (in this Part referred to as "the claimant").

(2) The physical factors mentioned in paragraph (1) are noise, vibration, smell, fumes, smoke and artificial lighting and the discharge on to the land in respect of which the claim is made of any solid or liquid substance.

(3) The public works mentioned in paragraph (1) are—

(*a*) any road;

(*b*) any aerodrome; and

(*c*) any works or land (not being a road or aerodrome) provided or used in the exercise of statutory powers.

(4) The responsible authority mentioned in paragraph (1) is, in relation to a road, the appropriate road authority and, in relation to other public works, the person managing those works.

(5) Physical factors caused by an aircraft arriving at or departing from an aerodrome shall be treated as caused by the use of the aerodrome whether or not the aircraft is within the boundaries of the aerodrome; but, save as aforesaid, the source of the physical factors must be situated on or in the public works the use of which is alleged to be their cause.

(6) Compensation shall not be payable under this Part in respect of the physical factors caused by the use of any public works other than a road unless immunity from actions for nuisance in respect of that use is conferred (whether expressly or by implication) by a statutory provision relating to those works or, in the case of an aerodrome and physical factors caused by aircraft, the aerodrome is one to which section 41(2) of the Civil Aviation Act 1949 **(a)** (immunity from actions for nuisance) for the time being applies.

(7) Compensation shall not be payable under this Part in respect of physical factors caused by accidents involving vehicles on a road or accidents involving aircraft.

(8) Compensation shall not be payable under this Part on any claim unless the relevant date in relation to the claim falls on or after 17th October 1969.

(9) Subject to Article 12, "the relevant date" in this Part means—

(*a*) in relation to a claim in respect of a road, the date on which it was first open to public traffic;

**(a)** 1949 c. 67.

(*b*) in relation to a claim in respect of other public works, the date on which they were first used after completion.

*Interests qualifying for compensation*

**5.**—(1) An interest qualifies for compensation under this Part if it was acquired by the claimant before the relevant date in relation to the claim and the requirements of paragraph (2) or, as the case may be, paragraph (3) are satisfied on the date on which notice of the claim for compensation in respect of that interest is served.

(2) If and so far as the interest is in land which is a dwelling, the said requirements are—

(*a*) that the interest is an owner's interest; and

(*b*) where the interest carries the right to occupy the land, that the land is occupied by the claimant in right of that interest as his residence.

(3) If and so far as the interest is not in such land as aforesaid, the said requirements are—

(*a*) that the interest is that of an owner-occupier; and

(*b*) that the land is or forms part of either—

(i) a hereditament the annual value of which does not exceed the prescribed amount; or

(ii) an agricultural unit.

(4) In this Article "owner's interest", in relation to any land, means a freehold interest (whether legal or equitable) or a tenancy granted or extended for a term of years of which, on the date of service of the notice of claim in respect thereof, not less than three years remain unexpired.

(5) In this Article "owner-occupier", in relation to land in a hereditament, means a person who occupies, in right of an owner's interest, the whole or a substantial part of the land and, in relation to land in an agricultural unit, means a person who occupies the whole of that unit and is entitled while so occupying it, to an owner's interest in the whole or any part of that land.

(6) In this Article "the prescribed amount" means the amount for the time being set out in section 2(1)(*b*) of the Planning and Land Compensation Act (Northern Ireland) 1971 (interests qualifying for protection under planning blight provisions) and "annual value" and "hereditament" have the same meanings as in section 10 of that Act taking references to the date of service of a blight notice under section 3 of that Act as references to the date on which notice of the claim is served.

(7) This Article has effect subject to Articles 13(4), 14 and 15.

*Claims*

**6.**—(1) A claim under this Part shall be made by serving on the responsible authority a notice containing particulars of—

(*a*) the land in respect of which the claim is made;

(*b*) the claimant's interest and the date on which, and the manner in which, it was acquired;

(*c*) the claimant's occupation of the land (except where the interest qualifies for compensation without occupation);

(*d*) any other interests in the land so far as known to the claimant;

(*e*) the public works to which the claim relates;

(*f*) the amount of compensation claimed;

(*g*) any land contiguous or adjacent to the land in respect of which the claim is made, being land to which the claimant was entitled in the same capacity (within the meaning of Article 9) on the relevant date.

(2) Subject to the provisions of this Article and of Articles 15 and 16, no claim shall be made otherwise than in the claim period, that is to say, the period of two years beginning on the expiration of twelve months from the relevant date.

(3) Paragraph (2) shall not preclude the making of a claim in respect of an interest in land before the beginning of the claim period if—

(*a*) the claimant has during the said twelve months made a contract for disposing of that interest or (in so far as the interest is in land which is not a dwelling) for the grant of a tenancy of that land; and

(*b*) the claim is made before the interest is disposed of or the tenancy is granted;

but compensation shall not be payable before the beginning of the claim period on any claim made by virtue of this paragraph.

(4) Where notice of a claim has been served on a responsible authority, any person authorised in writing by that authority (in this Article referred to as an "authorised person") may, on production if required of his credentials, at any reasonable time enter any land for the purpose of survey, valuation or examination in connection with the claim.

(5) A power of entry under paragraph (4) shall not be exercisable in relation to any land except—

(*a*) with consent given by the occupier of the land; or

(*b*) after at least twenty-four hours' notice of intended entry has been served on the occupier or owner of the land.

(6) If any person, other than the owner or occupier of the land, knowingly prevents or obstructs an authorised person in the exercise of the powers conferred by paragraph (4) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(7) If any person, being the owner or occupier of land, knowingly prevents or obstructs an authorised person in the exercise of the powers conferred by paragraph (4), a court of summary jurisdiction on proof thereof may order him to permit to be done on the land all things requisite for carrying into effect the survey, valuation or examination; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding £20.

(8) Where under paragraph (4) an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the responsible authority shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right under paragraph (4) or failing to perform any duty under this paragraph.

(9) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.

(10) Any power conferred by paragraph (4) shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil therein and to take and carry away for examination specimens of the subsoil found therein.

(11) Where compensation is payable by a resonsible authority on a claim there shall be payable by the authority, in addition to the compensation, any reasonable valuation or legal expenses incurred by the claimant for the purposes of the preparation and prosecution of the claim; but this paragraph is without prejudice to the powers of the Lands Tribunal in respect of the costs of proceedings before the Tribunal by virtue of Article 18.

*Assessment of compensation: general provisions*

7.—(1) The compensation payable on any claim shall be assessed by reference to prices current on the first day of the claim period.

(2) In assessing depreciation due to the physical factors caused by the use of any public works, account shall be taken of the use of those works as it exists on the first day of the claim period and of any intensification that may then be reasonably expected of the use of those works in the state in which they are on that date.

(3) In assessing the extent of the depreciation there shall be taken into account the benefit of any relevant works—

(*a*) which have been carried out, or in respect of which a grant has been paid, under Article 22 or section 13 of the Aerodromes Act (Northern Ireland) 1971;

(*b*) which have been carried out under Article 25 or 28;

and it shall be assumed that any relevant works which could be or could have been carried out, or in respect of which a grant could be or could have been paid, under any of the provisions mentioned in sub-paragraph (*a*) have been carried out but, in a case where the authority having functions under that provision have a discretion whether or not to carry out the works or pay the grant, only if they have undertaken to do so.

(4) The value of the interest in respect of which the claim is made shall be assessed—

(*a*) subject to paragraph (5), by reference to the nature of the interest and the condition of the land as it subsisted on the date of service of notice of the claim;

(*b*) subject to Article 8, in accordance with rules (2) to (4) in section 2 of the Acquisition of Land (Assessment of Compensation) Act 1919 (a);

(*c*) if the interest is subject to a mortgage or a contract of sale or to a contract made after the relevant date for the grant of a tenancy, as if it were not subject to the mortgage or contract.

(5) In assessing the value of the interest in respect of which the claim is made there shall be left out of account any part of that value which is attributable to—

(*a*) any building, or improvement or extension of a building, on the land if the building or, as the case may be, the building as improved or extended, was first occupied after the relevant date; and

(*b*) any change in the use of the land made after that date.

(a) 1919 c. 57.

*Assessment of compensation: assumptions as to planning permission*

**8.**—(1) The following assumptions shall be made in assessing the value of the interest in respect of which the claim is made.

(2) Subject to paragraph (3), it shall be assumed that planning permission would be granted in respect of the land in which the interest subsists ("the relevant land") or any part thereof for development of any class specified in Schedule 1 to the Land Development Values (Compensation) Act (Northern Ireland) 1965(a).

(3) Notwithstanding paragraph (2)—

(*a*) it shall not by virtue of that paragraph be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Schedule 1 if it is development for which planning permission has been refused and compensation under section 29 of the said Act of 1965 has become payable in respect of that refusal;

(*b*) where planning permission has been granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Schedule 1 but was so granted subject to conditions, and compensation under the said section 29 has become payable in respect of the imposition of the conditions, it shall not by virtue of paragraph (2) be assumed that planning permission for that development, in respect of the relevant land or that part thereof, as the case may be, would be granted otherwise than subject to those conditions;

(*c*) where planning permission had been granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Schedule 1 but that permission was revoked or modified by an order under Article 29 of the Planning (Northern Ireland) Order 1972(b) or section 3 of the Planning (Interim Development) Act (Northern Ireland) 1944(c) and compensation under section 26 of the said Act of 1965 has become payable in respect of that revocation or modification, it shall not by virtue of paragraph (2) be assumed that planning permission would be granted for so much of that development on the relevant land as is not permitted by virtue of that order.

(4) It shall be assumed that planning permission would not be granted in respect of the relevant land or any part thereof for any development other than such development as is mentioned in paragraph (2); and, if planning permission has been granted in respect of the relevant land or any part thereof for such other development, it shall be assumed that the planning permission has not been granted in so far as it relates to development that has not been carried out.

(5) In this Article any expression which is also used in the said Act of 1965 has the same meaning as in that Act.

*Reduction of compensation where other land is benefited*

**9.**—(1) The compensation payable on a claim shall be reduced by an amount equal to any increase in the value of—

(*a*) the claimant's interest in the land in respect of which the claim is made; and

(a) 1965 c. 23 (N.I.). (b) S.I. 1972/1634 (N.I. 17). (c) 1944 c. 3 (N.I.).

(*b*) any interest in other land contiguous or adjacent to the land mentioned in sub-paragraph (*a*) to which the claimant was entitled in the same capacity on the relevant date,

which is attributable to the existence of or the use of prospective use of the public works to which the claim relates.

(2) Articles 7 and 8 shall not apply to the assessment, for the purposes of paragraph (1), of the value of the interest mentioned in sub-paragraph (*a*) of that paragraph.

(3) Where, for the purpose of assessing compensation on a claim in respect of any interest in land, an increase in the value of an interest in other land has been taken into account under paragraph (1), then, in connection with any subsequent acquisition to which this paragraph applies, that increase shall not be left out of account by virtue of section 16 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(**a**) or taken into account by virtue of paragraph 13(3) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 (**b**), paragraph 12(4) of Schedule 5 to the Roads Act (Northern Ireland) 1948 or any provision corresponding to that paragraph which is contained in any other statutory provision, in so far as it was taken into account in connection with that claim.

(4) Paragraph (3) applies to any subsequent acquisition, not being an acquisition of the land in respect of which the claim is made where either—

(*a*) the interest acquired by the subsequent acquisition is the same as the interest previously taken into account (whether the acquisition extends to the whole of the land in which that interest previously subsisted or only to part of that land); or

(*b*) the person entitled to the interest acquired is, or directly or indirectly derives title to that interest from, the person who at the time of the claim mentioned in that paragraph was entitled to the interest previously taken into account;

and in this paragraph "the interest previously taken into account" means the interest the increased value of which was taken into account as mentioned in paragraph (2).

(5) For the purposes of this Article a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—

(*a*) to both of them beneficially; or

(*b*) to both of them as trustee of one particular trust; or

(*c*) to both of them as personal representative of one particular person;

and in this Article references to a person deriving title from another person include references to any successor in title of that other person.

*Exclusion of minimal compensation*

**10.** Compensation shall not be payable on any claim unless the amount of the compensation exceeds £50.

*Other restrictions on compensation*

**11.**—(1) Where a claim has been made in respect of depreciation of the value of an interest in land caused by the use of any public works and compensation has been paid or is payable on that claim, compensation shall not be payable

(**a**) 1964 c. 29 (N.I.). (**b**) 1972 c. 9 (N.I.).

on any subsequent claim in relation to the same works and the same land or any part thereof (whether in respect of the same or a different interest) except that, in the case of land which is a dwelling, this paragraph shall not preclude the payment of compensation both on a claim in respect of the fee simple and on a claim in respect of a tenancy.

(2) Where a person is entitled to compensation in respect of the acquisition of an interest in land by an authority possessing compulsory acquisition powers, or would be so entitled if the acquisition were compulsory, and—

(*a*) the land is acquired for the purposes of any public works; and

(*b*) that person retains land which, in relation to the land acquired, constitutes other land or lands within the meaning of section 63 of the Lands Clauses Consolidation Act 1845 **(a)** or section 14 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (compensation for acquisition to include compensation for injurious affection of other land retained),

then, whether or not any sum is paid or payable in respect of injurious affection of the land retained, compensation shall not be payable under this Part in relation to those works on any claim made after the date on which a vesting order in respect of the land acquired becomes operative (or, if the acquisition is by agreement, the date of the agreement) in respect of any interest in the land retained.

(3) Paragraph (2) applies whether the acquisition is before, on or after the date on which this Part comes into force (in this Part referred to as "the commencement date") and, where it is on or after that date, the public works for the purposes of which the land is acquired shall be taken to be those specified in the relevant particulars registered under paragraph (4).

(4) Where on or after the commencement date an authority possessing compulsory acquisition powers acquires land for the purposes of any public works and the person from whom the land is acquired retains land which, in relation to the land acquired, constitutes other land or lands within the meaning of the sections mentioned in paragraph (2), particulars of the land retained and the nature and extent of those works shall be included amongst the matters which are required to be registered in the Statutory Charges Register and accordingly at the end of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 **(b)** there shall be added the following paragraph:—

"31. Particulars specified in Article 11 (4) of the Land Acquisition and Compensation (Northern Ireland) Order 1973.".

(5) In a case in which compensation for injurious affection fell or falls to be assessed otherwise than in accordance with Article 45, paragraph (2) shall not preclude the payment of compensation under this Part in respect of depreciation by public works so far as situated elsewhere than on the land acquired.

(6) Where after a claim has been made in respect of any interest in land the whole or part of the land in which that interest subsists is compulsorily acquired, then, if—

(*a*) the value of that land has been diminished by the public works to which the claim relates; but

(*b*) the compensation in respect of the compulsory acquisition falls to be assessed without regard to the diminution,

**(a)** 1845 c 18. **(b)** 1970 c. 18 (N.I.).

the compensation in respect of the acquisition shall be reduced by an amount equal to the compensation paid or payable on the claim or, if the acquisition extends only to part of the land, to so much of the last-mentioned compensation as is attributable to that part.

(7) Without prejudice to the foregoing provisions of this Article, compensation shall not be payable in respect of the same depreciation both under this Part and under any other statutory provision.

*Alterations to public works and changes of use*

**12.**—(1) This Article has effect where, whether before, on or after the commencement date—

(*a*) the carriageway of a road has been altered after the road has been open to public traffic;

(*b*) any public works other than a road have been reconstructed, extended or otherwise altered after they have been first used; or

(*c*) there has been a change of use in respect of any public works other than a road or aerodrome.

(2) If and so far as a claim in respect of the road or other public works relates to depreciation that would not have been caused but for the alterations or change of use, this Part shall, subject to paragraph (3), have effect in relation to the claim as if the relevant date (instead of being the date specified in Article 4 (9)) were—

(*a*) the date on which the road was first open to public traffic after completion of the alterations to the carriageway;

(*b*) the date on which the other public works were first used after completion of the alterations; or

(*c*) the date of the change of use,

as the case may be.

(3) Paragraph (2) shall not by virtue of any alterations to an aerodrome apply to a claim in respect of physical factors caused by aircraft unless the alterations are runway or apron alterations.

(4) Where a claim relates to such depreciation as is mentioned in paragraph (2) the notice of claim shall specify, in addition to the matters mentioned in Article 6, the alterations or change of use alleged to give rise to the depreciation; and if and so far as the claim relates to such depreciation—

(*a*) Article 9 shall have effect as if the increase in value to be taken into account were any increase that would not have been caused but for the alterations or change of use in question;

(*b*) paragraph (1) of Article 11 shall not preclude the payment of compensation unless the previous claim was in respect of depreciation that would not have been caused but for the same alterations or change of use, and paragraph (2) of that Article shall not preclude the payment of compensation unless the works for which the land was acquired were works resulting from the alterations, or works used for the purpose, to which the claim relates.

(5) For the purposes of this Article the carriageway of a road is altered if, and only if—

(*a*) the location, width or level of the carriageway is altered (otherwise than by re-surfacing); or

(*b*) an additional carriageway is provided for the road beside, above or below an existing one;

and the reference in paragraph (2) to depreciation that would not have been caused but for alterations to the carriageway of a road is a reference to such depreciation by physical factors which are caused by the use of, and the source of which is situated on, the length of carriageway which has been altered as mentioned in sub-paragraph (*a*) or, as the case may be, the additional carriageway and the corresponding length of the existing one mentioned in paragraph (*b*).

(6) In this Article "runway or apron alterations" means—

(*a*) the construction of a new runway, the major re-alignment of an existing runway or the extension or strengthening of an existing runway; or

(*b*) a substantial addition to, or alteration of, a taxiway or apron, being an addition or alteration whose purpose or main purpose is the provision of facilities for a greater number of aircraft.

(7) For the avoidance of doubt it is hereby declared that references in this Article to a change of use do not include references to the intensification of an existing use.

*Mortgages, trusts for sale and settlements*

**13.**—(1) Where an interest is subject to a mortgage—

(*a*) a claim may be made by any mortgagee of the interest as if he were the person entitled to that interest but without prejudice to the making of a claim by that person;

(*b*) no compensation shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage);

(*c*) any compensation which is payable in respect of the interest which is subject to the mortage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and shall in either case be applied by him as if it were proceeds of sale.

(2) Where the interest is held on trust for sale the compensation shall be dealt with as if it were proceeds of sale arising under the trust.

(3) Where the interest is settled land for the purposes of the Settled Land Acts 1882 to 1890 the compensation shall be treated as capital money arising under those Acts.

(4) Where an interest in land is vested in trustees (other than a sole tenant for life within the meaning of the Settled Land Acts 1882 to 1890) and a person beneficially entitled (whether directly or derivatively) under the trusts is entitled or permitted by reason of his interest to occupy the land, Article 5 shall have effect as if occupation by that person were occupation by the trustees in right of the interest vested in them.

*Interests acquired by inheritance*

**14.**—(1) So much of Article 5(1) as requires an interest qualifying for compensation under this Part to have been acquired by the claimant before the relevant date shall not apply to any interest acquired by him by inheritance from a person who acquired that interest, or a greater interest out of which it is derived, before the relevant date.

(2) For the purposes of this Article an interest is acquired by a person by inheritance if it devolves on him by virtue only of testamentary dispositions

taking effect on, or the law of intestate succession or the right of survivorship between joint tenants as applied to, the death of another person or the successive deaths of two or more other persons.

(3) For the purposes of paragraph (2) a person who acquires an interest by appropriation of it in or towards satisfaction of any legacy, share in residue or other share in the estate of a deceased person shall be treated as a person on whom the interest devolves by direct bequest.

(4) Where an interest is settled land for the purposes of the Settled Land Acts 1882 to 1890 and on the death of a tenant for life within the meaning of those Acts a person becomes entitled to the interest in accordance with the settlement, or by any appropriation by the personal representatives in respect of the settled land, paragraph (2) shall apply as if the interest had belonged to the tenant for life absolutely and the trusts of the settlement taking effect after his death had been trusts of his will.

(5) Paragraph (4) shall apply, with any necessary modifications, where a person becomes entitled to an interest on the termination of a settlement as it would apply if he had become entitled in accordance with the terms of the settlement.

*Tenants entitled to enlargement or extension under the Leasehold (Enlargement and Extension) Act (Northern Ireland)* 1971

**15.**—(1) This Article has effect where a person is entitled under the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 **(a)** as respects any land to enlarge an estate into a fee simple or to obtain an extension of a leasehold estate as incident to his existing estate in the land (in this Article referred to as "the qualifying estate") and—

(*a*) has on or before the relevant date served notice under section 2 of that Act; and

(*b*) has not enlarged his estate into a fee simple or obtained an extension of his leasehold estate before that date.

(2) The qualifying estate shall be treated as an owner's interest as defined in Article 5(4) whether or not the unexpired term on the date of service of the notice of claim is of the length there specified.

(3) If no claim is made in respect of the qualifying estate before the claimant has ceased to be entitled to it by reason of his enlargement of the estate into a fee simple or his extension of the leasehold estate he may make a claim in respect of the qualifying estate as if he were still entitled to it.

(4) No claim shall be made by virtue of paragraph (3) after the claimant has ceased to be entitled to the fee simple or extended leasehold estate but such a claim may be made before the beginning of the claim period if it is made before the claimant has disposed of the fee simple or extended leasehold estate and after he has made a contract for disposing of it.

(5) Compensation shall not be payable before the beginning of the claim period on any claim made by virtue of paragraph (4).

(6) Any notice of a claim made by virtue of this Article shall contain, in addition to the matters mentioned in Article 6, a statement that it is made in respect of a qualifying estate and, if made by virtue of paragraph (3) or (4), sufficient particulars to show that it falls within that paragraph.

(a) 1971 c. 7 (N.I.).

(7) In relation to a claim made by virtue of paragraph (3) Article 7 (4) (*a*) shall have effect as if the reference to the date of service of notice of the claim were a reference to the relevant date.

*Special provision for claims arising before commencement date*

**16.**—(1) Where the whole of the claim period for a claim has expired before the commencement date, or less than two years of that period remains unexpired on that date, that period shall be treated as continuing until the end of two years from the commencement date.

(2) Where on or after 17th October 1972 and before the commencement date a person—

(*a*) has disposed of an interest in land which would have qualified for compensation under this Part if it had then been in force and a notice of claim had been served in respect of the interest immediately before the disposal; or

(*b*) being entitled to such an interest as is mentioned in sub-paragraph (*a*) in land which is not a dwelling, has granted a tenancy so that the interest remaining to him is not such an interest as aforesaid,

this Part shall have effect in relation to any claim made before the end of one year from the commencement date (being a claim in relation to which the relevant date falls before the disposal or grant of the tenancy) as if that person were still entitled to the interest disposed of or the interest to which he was entitled prior to the grant of the tenancy.

(3) Any notice of a claim made by virtue of paragraph (2) shall specify, in addition to the matters mentioned in Article 6, the date on which the interest was disposed of or, as the case may be, the date on which the tenancy was granted.

(4) A claim may be made by virtue of paragraph (2) notwithstanding that the claim period has not begun but compensation shall not be payable on the claim before the beginning of that period.

(5) In relation to a claim made by virtue of paragraph (2), Article 7 (4) (*a*) shall have effect as if the reference to the date of service of notice of the claim were a reference to the date immediately preceding that on which the claimant disposed of the interest or granted the tenancy.

*Information for ascertaining relevant date*

**17.**—(1) The responsible authority in relation to a road or other public works shall keep a record and, on demand, furnish a statement in writing of—

(*a*) the date on which the road was first open to public traffic, or was first open to public traffic after completion of any particular alterations to the carriageway of the road;

(*b*) the date on which the public works were first used after completion, or were first used after completion of any particular alterations to those works;

(*c*) in the case of public works other than a road or aerodrome, the date on which there was a change of use in respect of the public works.

(2) A certificate issued by the Ministry of Development stating that runway or apron alterations have or have not been carried out at an aerodrome and the date on which an aerodrome at which any such alterations have been carried

out was first used after completion of the alterations shall be conclusive evidence of the facts stated.

(3) In this Article references to alterations to the carriageway of a road, to runway or apron alterations and to a change of use shall be construed in the same way as in Article 12; and paragraph (1) shall not apply unless the date in question falls on or after the commencement date.

*Disputes*

**18.**—(1) Any question of disputed compensation under this Part shall be referred to and determined by the Lands Tribunal.

(2) No such question arising out of a claim made before the beginning of the claim period shall be referred to the Lands Tribunal before the beginning of that period.

*Action for nuisance following unsuccessful claim where responsible authority have disclaimed statutory immunity*

**19.** Where, in resisting a claim under this Part, a responsible authority contend that no statutory provision relating to the works in question confers immunity from actions for nuisance in respect of the use to which the claim relates, then if—

(*a*) compensation is not paid on the claim; and

(*b*) an action for nuisance in respect of the matters which were the subject of the claim is subsequently brought by the claimant against the authority,

no statutory provision relating to those works, being a statutory provision in force when the contention was made, shall afford a defence to that action in so far as it relates to those matters.

*Interest on compensation*

**20.** Compensation under this Part shall carry interest, at such rate as may for the time being be determined by the Ministry of Finance by order under paragraph 18 of Schedule 6 to the Local Government Act (Northern Ireland) 1972, from—

(*a*) the date of service of the notice of claim; or

(*b*) if that date is before the beginning of the claim period, from the beginning of the claim period,

until payment.

*Interpretation of Part II*

**21.**—(1) In this Part—

"the appropriate road authority" means—

(*a*) except where sub-paragraph (*b*) applies, the road authority who constructed the road to which the claim relates;

(*b*) if and so far as the claim relates to depreciation that would not have been caused but for alterations to the carriageway of a road, the road authority who carried out the alterations;

"claim" means a claim under this Part and "the claimant" means the person making such a claim;

"the claim period" has the meaning assigned to it by Article 6 (2) but subject to Article 16 (1) and paragraph (3);

"commencement date" means the date on which this Part comes into operation;

"public road" has the same meaning as in the Private Streets Act (Northern Ireland) 1964 (a);

"public works" and "responsible authority" have the meanings assigned to them by Article 4;

"the relevant date" has the meanings assigned to it by Articles 4 (9) and 12 (2).

(2) For the purposes of Articles 5 (1), 14 (1) and 16 (2) an interest acquired or disposed of, or a tenancy granted, pursuant to a contract shall be treated as acquired, disposed of or granted when the contract was made.

(3) In the application of this Part to a road which has not always since 17th October 1969 been a public road—

(*a*) references to its being open to public traffic shall be construed as references to its being so open whether or not as a public road;

(*b*) for references to the road authority who constructed it there shall be substituted references to the road authority for the road;

and no claim shall be made if the relevant date falls at a time when the road was not a public road and the road does not become a public road within three years of that date but, if it does, the claim period shall be treated as continuing until the end of one year from the date on which it becomes a public road if, apart from this provision, that period would end earlier.

## PART III

## MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

### *Insulation against noise*

*Sound-proofing of buildings affected by public works*

**22.**—(1) The Ministry of Development, or any other Ministry after consultation with the Ministry of Development, may make regulations imposing a duty or conferring a power on responsible authorities to insulate buildings against noise caused or expected to be caused by the construction or use of public works or to make grants in respect of the cost of such insulation.

(2) Regulations under this Article may—

(*a*) make provision as to the level of noise giving rise to a duty or power under the regulations and the area in which a building must be situated if a duty or power is to arise in respect of it;

(*b*) specify the classes of public works and of buildings in respect of which a duty or power is to arise, and the classes of persons entitled to make claims, under the regulations;

(*c*) specify the nature and extent of the work which is to be undertaken under the regulations and the expenditure in respect of which and the rate at which grants are to be made under the regulations;

(*d*) make the carrying out of work or the making of grants under the regulations dependent upon compliance with conditions;

(*e*) authorise or require the Housing Executive, any district council or public body to act as agents for responsible authorities in dealing with claims and in discharging or exercising the duties or powers of responsible authorities under the regulations;

(*f*) make provision for the making by responsible authorities of payments to the Housing Executive, any district council or public body in respect of anything done by them as agents as mentioned in sub-paragraph (*e*);

(a) 1964 c. 27 (N.I.).

(*g*) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed;

(*h*) make provision for the settlement of disputes arising under the regulations.

(3) Without prejudice to the generality of sub-paragraph (*a*) of paragraph (2), regulations made by virtue of that sub-paragraph may provide for the relevant level of noise or the relevant area in a particular case to be determined by reference to a document published by or on behalf of the Ministry of Development or by any other authority or body or in such other manner as may be provided in the regulations.

(4) If regulations under this Article impose a duty or confer a power to carry out, or make a grant in respect of the cost of, work in respect of a building which is subject to a tenancy on a claim in that behalf made by the landlord or the tenant, provision may also be made by the regulations for enabling the work to be carried out notwithstanding the withholding of consent by the other party to the tenancy.

(5) Regulations under this Article may contain supplementary and ancillary provisions and may make different provision with respect to different areas.

(6) A draft of any regulations under this Article shall be laid before Parliament and the first regulations shall not be made unless the draft has been approved by a resolution of each House of Parliament.

(7) In this Article "public works" and "responsible authority" have the same meaning as in Article 4 except that "public works" does not include an aerodrome and except that "responsible authority", in relation to a road, includes any person having power to make an order or regulations in respect of that road under Part II of the Road Traffic Act (Northern Ireland) 1970 (**a**) (traffic regulation).

*Sound-proofing of buildings affected by aerodromes*

**23.** In section 13 of the Aerodromes Act (Northern Ireland) 1971 (grants towards sound-proofing of dwellings affected by noise from aerodromes) references to dwellings shall include references to buildings other than dwellings but a scheme under that section need apply only to such classes of buildings as the Ministry of Development thinks fit.

*Powers of road authorities*

*Acquisition of land in connection with roads*

**24.**—(1) Subject to paragraph (3), a road authority may acquire land compulsorily or by agreement for the purpose of mitigating any adverse effect which the existence or use of a road constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the road.

(2) Subject to paragraph (3), a road authority may acquire by agreement—

(*a*) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or improvement of a road;

(*b*) land the enjoyment of which is seriously affected by the use of a road which the authority have constructed or improved,

if the interest of the vendor is one which falls within section 2 of the Planning and Land Compensation Act (Northern Ireland) 1971 (interests qualifying for protection under blight provisions) taking references to the date of service

(a) 1970 c. 2 (N.I.).

of a blight notice under section 3 of that Act as references to the date on which the purchase agreement is made.

(3) The powers conferred by paragraph (2) (*b*) shall not be exercisable unless the date on which the road or, as the case may be, the improved road is first open to public traffic falls on or after 17th October 1971 and the powers conferred by paragraphs (1) and (2) (*a*) shall not be exercisable unless that date falls on or after 17th October 1972; and—

(*a*) if that date falls not later than one year after the coming into operation of this Part—

(i) the powers conferred by paragraph (1) to acquire land compulsorily and the powers conferred by paragraph (2) (*a*) shall not be exercisable unless the acquisition is begun before the end of one year after the coming into operation of this Part;

(ii) the powers conferred by paragraph (1) to acquire land by agreement and the powers conferred by paragraph (2) (*b*) shall not be exercisable unless the acquisition is begun before the end of one year after the coming into operation of this Part or one year after that date, whichever ends later;

(*b*) if that date falls more than one year after the coming into operation of this Part—

(i) the powers mentioned in sub-paragraph (*a*) (i) shall not be exercisable unless the acquisition is begun before that date;

(ii) the powers mentioned in sub-paragraph (*a*) (ii) shall not be exercisable unless the acquisition is begun before the end of one year after that date.

(4) Section 34 of, and Schedule 5 to, the Roads Act (Northern Ireland) 1948 shall apply to the acquisition of land by a road authority under this Article as they apply to the acquisition of land under that Act.

(5) For the purposes of paragraph (3) the acquisition of any land is begun—

(*a*) if it is compulsory, on the date on which the notice required by paragraph 2 (1) or (2) of Schedule 5 to the Roads Act (Northern Ireland) 1948 is first published;

(*b*) if it is by agreement, on the date on which the agreement is made;

and where compulsory acquisition of any land under paragraph (1) is begun within the time limited by paragraph (3) but is not proceeded with, any subsequent compulsory acquisition of that land under paragraph (1) shall be treated for the purposes of this Article as begun within that time.

(6) For the purpose of assessing the compensation payable on the compulsory acquisition of land under this Article the land shall be treated as if it were being acquired for the construction of the road or, as the case may be, the improvement in question.

(7) In this Article references to the construction or improvement of a road include references to the construction, improvement or alteration of a road by virtue of an order under section 3 of the Roads Act (Northern Ireland) 1948 or a designation order under section 1 of the Special Roads Act (Northern Ireland) 1963.

*Execution of works in connection with roads*

**25.**—(1) A road authority may carry out—

(*a*) on land acquired by them under Article 24;

(*b*) on any other land belonging to them;

(*c*) on any road for which they are the road authority;

(*d*) on any road which they have been authorised to construct, improve or alter by virtue of an order under section 3 of the Roads Act (Northern Ireland) 1948 or a designation order under section 1 of the Special Roads Act (Northern Ireland) 1963,

works for mitigating any adverse effect which the construction, improvement, alteration, existence or use of a road has or will have on the surroundings of the road.

(2) Without prejudice to the generality of paragraph (1), the works that may be carried out under that paragraph include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.

(3) Notwithstanding anything in the Land Clauses Consolidation Act 1845, a road authority may develop or redevelop any land acquired by them under Article 24, or any other land belonging to them, for the purpose of improving the surroundings of a road in any manner which they think desirable by reason of its construction, improvement, alteration, existence or use.

*Agreements as to use of land near roads*

**26.**—(1) For the purpose of mitigating any adverse effect which the construction, improvement, alteration, existence or use of a road has or will have on the surroundings of the road, the road authority may enter into an agreement with any person interested in land adjoining or in the vicinity of the road for restricting or regulating the use of the land either permanently or during such period as may be specified in the agreement; and any such agreement may, in particular, make provision for the planting and maintenance of trees, shrubs or plants of any other description on the land and for restricting the lopping or removal of trees, shrubs or other plants on the land.

(2) An agreement under this Article may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the road authority to be necessary or expedient for the purposes of the agreement.

(3) Subject to paragraph (4), the provisions of any agreement made under this Article with any person interested in land shall be binding on persons deriving title from that person in respect of the land.

(4) No provision shall be enforceable by virtue of paragraph (3) against a purchaser for money or money's worth of a legal estate in the land unless before completion of the purchase the agreement has been registered in the Statutory Charges Register and accordingly at the end of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 there shall be added the following paragraph:—

"32. Any agreement under Article 26 of the Land Acquisition and Compensation (Northern Ireland) Order 1973:";

and in this paragraph "purchaser" and "purchase" have the same meanings as in that Act.

*Powers of authorities responsible for other public works*

*Acquisition of land in connection with public works*

**27.**—(1) Subject to the provisions of this Article, a responsible authority may acquire land by agreement for the purpose of mitigating the adverse effect which the existence or use of any public works will have on the surroundings of the works.

(2) Subject to the provisions of this Article, a responsible authority may acquire by agreement—

(*a*) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or alteration of any public works;

(*b*) land the enjoyment of which is seriously affected by the use of any public works,

if the interest of the vendor is of the kind mentioned in Article 24 (2).

(3) The powers conferred by paragraph 2 (*b*) shall not be exercisable unless the date on which the public works or, as the case may be, the altered public works, are first used falls on or after 17th October 1971 and the powers conferred by paragraphs (1) and (2) (*a*) shall not be exercisable unless that date falls on or after 17th October 1972, and—

(*a*) if that date falls not later than one year after the coming into operation of this Part—

(i) the powers conferred by paragraphs (1) and (2) (*b*) shall not be exercisable unless the acquisition is begun before the end of one year after the coming into operation of this Part or one year after that date, whichever ends later;

(ii) the powers conferred by paragraph (2) (*a*) shall not be exercisable unless the acquisition is begun before the end of one year after the coming into operation of this Part;

(*b*) if that date falls more than one year after the coming into operation of this Part—

(i) the powers mentioned in sub-paragraph (*a*) (i) shall not be exercisable unless the acquisition is begun before the end of one year after that date;

(ii) the powers mentioned in sub-paragraph (*a*) (ii) shall not be exercisable unless the acquisition is begun before that date.

(4) For the purposes of paragraph (3) the acquisition of any land shall be treated as begun when the agreement for its acquisition is made.

(5) This Article applies only where the responsible authority have statutory powers to acquire land (whether compulsorily or by agreement) for the purposes of their functions but would not, apart from this Article, have power to acquire land as mentioned in paragraphs (1) and (2).

(6) In this Article "public works" and "responsible authority" have the same meaning as in Article 4 except that "public works" does not include a road or any works forming part of the works of a statutory undertaker as defined in Article 2 (2) of the Planning (Northern Ireland) Order 1972, not being the Post Office or a person authorised to carry on a transport undertaking.

*Execution of works etc. in connection with public works*

**28.**—(1) A responsible authority may carry out—

(*a*) if they have power to acquire land under Article 27, on any land acquired by them under that Article;

(*b*) on any other land belonging to them,

works for mitigating the adverse effect which the construction, alteration, existence or use of any public works has or will have on the surroundings of the works.

(2) Without prejudice to the generality of paragraph (1), the works that may be carried out under that paragraph include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.

(3) A responsible authority may—

(*a*) develop or redevelop any land acquired by them under Article 27, or any other land belonging to them, for the purpose of improving the surroundings of public works in any manner which they think desirable by reason of the construction, alteration, existence or use of the works;

(*b*) dispose of any land acquired by them under Article 27.

(4) This Article applies only where the responsible authority are a body incorporated by or under any statutory provision and has effect only for extending the corporate powers of any such authority.

(5) In this Article "public works" and "responsible authority" have the same meaning as in Article 4 except that "public works" does not include a road.

*Expenses of persons moving temporarily during construction works etc.*

*Power to pay expenses of persons moving temporarily during construction works etc.*

**29.**—(1) This Article has effect where works are carried out—

(*a*) by a road authority for the construction or improvement of a road;

or

(*b*) by a responsible authority for the construction or alteration of any public works other than a road,

and the carrying out of those works affects the enjoyment of a dwelling adjacent to the site on which they are being carried out to such an extent that continued occupation of the dwelling is not reasonably practicable.

(2) Subject to paragraph (3), the road authority or responsible authority, as the case may be, may pay any reasonable expenses incurred by the occupier of the dwelling in providing suitable alternative residential accommodation for himself and members of his household for the whole or any part of the period during which the works are being carried out.

(3) No payment shall be made to any person under this Article in respect of any expenses except in pursuance of an agreement made between that person and the authority concerned before the expenses are incurred; and no payment shall be so made except in respect of the amount by which the expenses exceed those which that person would have incurred if the dwelling had continued to be occupied.

(4) In this Article "public works" and "responsible authority" have the same meaning as in Article 4.

## PART IV

## PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

*Home loss payments*

*Right to home loss payment where person displaced from dwelling*

**30.**—(1) Where a person is displaced from a dwelling on any land in consequence of—

(*a*) the compulsory acquisition of an interest in the dwelling;

(*b*) the making or acceptance of a housing order or undertaking in respect of the dwelling;

(*c*) where the land has been previously acquired or appropriated by an authority possessing compulsory acquisition powers and is for the time being held for the purposes for which it was acquired or appropriated, the carrying out of redevelopment on the land,

he shall, subject to the provisions of this Article and Article 32, be entitled to receive a payment (in this Order referred to as a "home loss payment") from the acquiring authority, the authority who made the order or accepted the undertaking or the authority carrying out the redevelopment, as the case may be.

(2) A person shall not be entitled to a home loss payment unless throughout a period of not less than five years ending with the date of displacement—

(*a*) he has been in lawful occupation of the dwelling, or a substantial part of it, as his only or main residence; and

(*b*) he has been in occupation as aforesaid by virtue of an interest or right to which this Article applies.

(3) For the purposes of this Article a person shall be deemed to have been displaced from a dwelling in consequence of the compulsory acquisition of an interest therein or the making of a housing order in relation thereto if, after the notice of application for, or the notice of intention to make, a vesting order in respect of that interest has been published or after the making of the housing order as the case may be but before such an order becomes operative, he gives up occupation of the dwelling by arrangement with the Housing Executive or with the authority proposing to acquire the dwelling compulsorily.

(4) This Article applies to the following interests and rights—

(*a*) any interest in the dwelling including a right to occupy the dwelling as a statutory tenant to whom section 15 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 (**a**) or section 18 of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1940 (**b**) applies;

(*b*) a right to occupy the dwelling under a contract at a rent which includes payment for the use of furniture or for services;

(*c*) a right to occupy the dwelling under a contract of employment.

(5) No home loss payment shall be made to any person displaced from a dwelling in consequence of the acquisition of an interest therein if the acquisition is in pursuance of the service by him of a blight notice under section 3 of the Planning and Land Compensation Act (Northern Ireland) 1971 or under Article 60.

(6) Where an authority possessing compulsory acquisition powers acquire the interest of any person in a dwelling by agreement, then, in relation to any other person who is displaced from the dwelling in consequence of the acquisition, paragraphs (1) to (4) shall have effect as if the acquisition were compulsory and a vesting order in respect of the dwelling had become operative when the agreement was made.

(7) The Ministry of Development may, subject to such conditions as it may determine, make to the Housing Executive a contribution equal to the amount of any payment made by the Housing Executive under this Article for the benefit of any person.

(a) 1920 c. 17. (b) 1940 c. 7 (N.I.).

(8) Where an interest in a dwelling is vested in trustees (other than a sole tenant for life within the meaning of the Settled Land Acts 1882 to 1890) and a person beneficially entitled (whether directly or derivatively) under the trusts is entitled or permitted by reason of his interest to occupy the dwelling, he shall be treated for the purposes of this Article as occupying it by virtue of an interest in the dwelling.

(9) In this Article—

"housing order" means a demolition, closing or clearance order under Part II of the Planning and Housing Act (Northern Ireland) 1931 (**a**) or section 2 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 (**b**);

"undertaking" means an undertaking accepted under section 29 (5) of the said Act of 1931;

"redevelopment" includes change of use.

(10) This Article applies if the date of displacement, or in the case within paragraph (3) the giving up of occupation, is on or after 17th October 1972.

*Amount of home loss payment*

**31.**—(1) Subject to paragraph (2), the amount of a home loss payment shall be an amount equal to the net annual value of the dwelling multiplied by twenty, subject to a maximum of £1,500 and a minimum of £150.

(2) The Ministry of Development may by order subject to negative resolution prescribe a different multiplier and a different maximum or minimum for the purposes of paragraph (1).

(3) For the purposes of this Article the net annual value of a dwelling shall be determined as follows—

(*a*) if the dwelling is a hereditament for which a net annual value is shown in the valuation list in force on the date of displacement, it shall be that net annual value;

(*b*) if the dwelling forms part only of such a hereditament or consists of or forms part of more than one such hereditament, an apportionment or aggregation of the net annual value or values so shown shall be made by the district valuer and the net annual value of the dwelling shall be taken to be the amount certified by him as being the amount which, on such an apportionment or aggregation, is properly attributable to the dwelling;

(*c*) if neither sub-paragraph (*a*) nor sub-paragraph (*b*) applies to the dwelling, its net annual value shall be determined by the district valuer in accordance with the Rates (Northern Ireland) Order 1972 (**c**).

(4) In this Article "district valuer" has the meaning assigned to it by Article 2 (2) of the Rates (Northern Ireland) Order 1972.

*Supplementary provisions about home loss payments*

**32.**—(1) Subject to paragraph (8), no home loss payment shall be made except on a claim in that behalf made by the person entitled thereto ("the claimant") before the expiration of the period of six months beginning with the date of displacement; and any such claim shall be in writing and shall be accompanied or supplemented by such particulars as the authority responsible for making the payment may reasonably require to enable them to determine whether the claimant is entitled to a payment and, if so, its amount.

(**a**) 1931 c. 12 (N.I.). (**b**) 1956 c. 10 (N.I.). (**c**) S.I. 1972/1633 (N.I. 16).

(2) A home loss payment shall be made not later than three months after the date on which a claim for the payment is made in accordance with paragraph (1) or, if those three months end before the date of displacement, on the date of displacement.

(3) Where the claimant has been in occupation of a dwelling or a substantial part of it as mentioned in sub-paragraphs (*a*) and (*b*) of Article 30 (2) for any period ("the claimant's own qualifying period") and has also for an immediately preceding period resided in the dwelling, or a substantial part of it, as his only or main residence but without being in occupation as required by those sub-paragraphs then, if another person was, or other persons successively were, in occupation thereof as mentioned in those sub-paragraphs throughout that preceding period, the claimant's own qualifying period shall be treated for the purposes of Article 30 (2) as including that preceding period.

(4) Where a person ("the deceased") dies before the expiration of the period for making a claim to a home loss payment and would have been entitled to such a payment if he had made a claim within that period, a claim to that payment may be made, before the expiration of that period, by any person, not being a minor, who—

(*a*) throughout a period of not less than five years ending with the date of displacement of the deceased, has resided in the dwelling, or a substantial part of it, as his only or main residence; and

(*b*) is entitled to benefit by virtue of testamentary dispositions taking effect on, or the law of intestate succession or the right of survivorship between joint tenants as applied to, the death of the deceased.

(5) Where the claimant has successively been in occupation of or resided in different dwellings in the same building, being dwellings consisting of a room or rooms not constructed or structually adapted for use as a separate dwelling, Article 30 (2) and paragraphs (3) and (4) shall have effect as if those dwellings were the same dwelling.

(6) Where there are two or more persons entitled to make a claim to a home loss payment in respect of the same dwelling (whether by virtue of joint occupation or paragraph (4)) the payment to be made on each claim shall be equal to the whole amount of the home loss payment divided by the number of such persons.

(7) Where an interest in a dwelling is acquired by agreement by an authority possessing compulsory acquisition powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any home loss payment which they would be required to make to him if the acquisition were compulsory and a vesting order in respect of that interest had been made before he gave up occupation of the dwelling.

(8) Where the date of displacement is before the coming into operation of this Part the period within which a claim to a home loss payment can be made shall be the period of six months beginning with the date of the coming into operation of this Part.

(9) The Ministry of Development may, subject to such conditions as it may determine, make to the Housing Executive a contribution equal to the amount of any payment made by the Housing Executive under paragraph (7) for the benefit of any person.

*Home loss payments for certain caravan dwellers*

**33.**—(1) Articles 30 to 32 shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that

site as they have effect in relation to a person displaced from a dwelling on any land but shall so have effect subject to the following modifications.

(2) No home loss payment shall be made to any person by virtue of this Article except where no suitable alternative site for stationing a caravan is available to him on reasonable terms.

(3) Paragraph (1) of Article 30 shall have effect as if for the words preceding sub-paragraph (*a*) there were substituted the words "Where a person residing in a caravan on a caravan site is displaced from that site in consequence of" and paragraph (2) of that Article shall have effect as if for sub-paragraphs (*a*) and (*b*) there were substituted—

"(*a*) he has been in occupation of the caravan site by using a caravan stationed on it as his only or main residence; and

(*b*) he has been in occupation of the site as aforesaid by virtue of an interest or right to which this Article applies."

(4) Article 31(3) shall have effect as if—

(*a*) sub-paragraph (*b*) were omitted; and

(*b*) in sub-paragraphs (*a*) and (*c*) for the word "dwelling" there were substituted the words "caravan site together with a caravan".

(5) Article 32 shall have effect as if for paragraph (5) there were substituted—

"(5) Where any land comprises two or more caravan sites and the claimant has successively been in occupation of or resided in a caravan on different caravan sites on that land, Article 30 (2) and paragraphs (3) and (4) shall have effect—

(*a*) as if in paragraph (3) for the words "in occupation of a dwelling or a substantial part of it", "resided in the dwelling, or a substantial part of it" and "in occupation thereof" there were substituted respectively the words "in occupation of a caravan site", "resided in a caravan on that site" and "in occupation of that site";

(*b*) as if in paragraph (4) for the words "resided in the dwelling, or a substantial part of it" there were substituted the words "resided in a caravan on the caravan site"; and

(*c*) as if those sites were the same site.".

(6) Articles 30 to 32 shall have effect as if in any provision not modified as aforesaid for any reference to a dwelling or land there were substituted a reference to a caravan site.

(7) In this Article "caravan site" means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed.

*Farm loss payments*

*Right to farm loss payment where person displaced from agricultural unit*

**34.**—(1) Where land constituting or included in an agricultural unit is land in respect of which the person in occupation of the unit has an owner's interest, then if—

(*a*) in consequence of the compulsory acquisition of his interest in the whole of that land ("the land acquired") he is displaced from the whole of that land; and

(*b*) not more than three years after the date of displacement he begins to farm another agricultural unit ("the new unit") elsewhere in the United Kingdom,

he shall, subject to the provisions of this Article and Article 36, be entitled to receive a payment (in this Order referred to as a "farm loss payment") from the acquiring authority.

(2) In paragraph (1) "owner's interest" means a freehold interest (whether legal or equitable) or a tenancy granted or extended for a term of years certain of which not less than three years remain unexpired on the date of displacement.

(3) For the purposes of this Article a person is displaced from land in consequence of the compulsory acquisition of his interest therein if, and only if, he gives up possession thereof—

(*a*) on completion of the acquisition;

(*b*) on being required to do so by the acquiring authority; or

(*c*) where the acquiring authority permit him to remain in possession of the land under a tenancy or licence, on the expiration or termination of that tenancy or licence;

and references in this Article and Article 35 to the date of displacement are references to the date on which the person gives up possession as aforesaid.

(4) No farm loss payment shall be made to any person unless on the date on which he begins to farm the new unit he is in occupation of the whole of that unit in right of a freehold interest therein or a tenancy thereof, not having been entitled to any such interest or tenancy before the date on which the notice of application for, or the notice of intention to make, the vesting order in respect of his interest in the land was first published.

(5) No farm loss payment shall be made to any person displaced from land in consequence of the compulsory acquisition of his interest therein if the acquisition of his interest in the whole or any part of that land is in pursuance of the service by him of a blight notice under section 3 of the Planning and Land Compensation Act (Northern Ireland) 1971.

(6) This Article applies if the displacement is on or after 17th October 1972.

*Amount of farm loss payment*

**35.**—(1) Subject to the provisions of this Article, the amount of any farm loss payment shall be equal to the average annual profit derived from the use for agricultural purposes of the agricultural land comprised in the land acquired; and that profit shall be computed by reference to the profits for the three years ending with the date of displacement or, if the person concerned has then been in occupation for a shorter period, that period.

(2) Where accounts have been made up in respect of the profits of the person concerned for a period or consecutive periods of twelve months and that period or the last of them ends not more than one year before the date of displacement, paragraph (1) shall have effect as if the date on which that period or the last of those periods ends were the date of the displacement.

(3) Where the date of displacement is determined in accordance with Article 34 (3) (*c*) and the person concerned has on that date been in occupation for more than three years, he may elect that the average annual profit shall, instead of being computed by reference to the profits for the years mentioned in paragraph (1), be computed by reference to the profits for—

(*a*) any three consecutive periods of twelve months for which accounts in respect of his profits have been made up, being periods for which he has been in occupation and the last of which ends on or after the date of completion of the acquisition; or

(*b*) if there are no such periods as aforesaid, any three consecutive years for which he has been in occupation and the last of which ends on or after the date mentioned in sub-paragraph (*a*).

(4) In calculating the profits mentioned in paragraph (1) there shall be deducted a sum equal to the rent that might reasonably be expected to be payable in respect of the agricultural land comprised in the land acquired if it were let for agricultural purposes to a tenant responsible for rates, repairs and other outgoings; and that deduction shall be made whether or not the land is in fact let and, if it is, shall be made to the exclusion of any deduction for the rent actually payable.

(5) In calculating the profits mentioned in paragraph (1) there shall be left out of account profits from any activity if a sum in respect of loss of profits from that activity would fall to be included in the compensation, so far as attributable to disturbance, for the acquisition of the interest in the land acquired.

(6) Where the value of the agricultural land comprised in the land acquired exceeds the value of the agricultural land comprised in the new unit the amount of the farm loss payment shall be proportionately reduced.

(7) For the purposes of paragraph (6) the value of any land shall be assessed—

(*a*) on the basis of its value as land used solely for agriculture and as for a freehold interest therein with vacant possession;

(*b*) by reference to the condition of the land and its surroundings and to prices current—

(i) in the case of the land comprised in the land acquired, on the date of displacement;

(ii) in the case of land comprised in the new unit, on the date on which the person concerned begins to farm the new unit;

(*c*) in accordance with rules (2) to (4) in section 2 of the Acquisition of Land (Assessment of Compensation) Act 1919;

(*d*) without regard to the principal dwelling (if any) comprised in the same agricultural unit as that land.

(8) The amount of a farm loss payment shall not be greater than the amount (if any) by which—

(*a*) that payment, calculated apart from this paragraph, together with compensation for the acquisition of the interest in the land acquired assessed on the assumptions mentioned in Article 8 (2), (3) and (4) (including any sum included as compensation for disturbance), exceeds

(*b*) the compensation actually payable for the acquisition of that interest.

(9) Any dispute as to the amount of a farm loss payment shall be referred to and determined by the Lands Tribunal.

*Supplementary provisions about farm loss payments*

**36.**—(1) Subject to paragraph (7), no farm loss payment shall be made except on a claim in that behalf made by the person entitled thereto before the expiration of the period of one year beginning with the date on which the requirement in Article 34 (1) (*b*) is complied with, and any such claim shall be in writing and shall be accompanied or supplemented by such particulars as the acquiring authority may reasonably require to enable them to determine whether that person is entitled to a payment and, if so, its amount.

(2) Where the agricultural unit containing the land acquired is occupied for the purposes of a partnership firm Articles 34 and 35 shall have effect in relation to the firm and not the partners individually (any interest of a partner in

the land acquired being treated as an interest of the firm) except that the requirements in Article 34 as to the new unit shall be treated as complied with in relation to the firm as soon as they are complied with by any one of the persons who were members of the firm.

(3) Where a person dies before the expiration of the period for making a claim to a farm loss payment and would have been entitled to such a payment if he had made a claim within that period, a claim to that payment may be made, before the expiration of that period, by his personal representative.

(4) Where an interest in land is acquired by agreement by an authority possessing compulsory acquisition powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any farm loss payment which they would be required to make to him if the acquisition were compulsory and the authority (if not authorised to acquire the interest compulsorily) had been so authorised on the date of the agreement.

(5) Where a farm loss payment is made to any person the authority making the payment shall also pay any reasonable valuation or legal expenses incurred by that person for the purposes of the preparation and prosecution of his claim to the payment; but this paragraph is without prejudice to the powers of the Lands Tribunal in respect of the costs of proceedings before the Tribunal by virtue of Article 35 (8).

(6) A farm loss payment shall carry interest, at such rate as may for the time being be determined by the Ministry of Finance by order under paragraph 18 of Schedule 6 to the Local Government Act (Northern Ireland) 1972 from the date mentioned in paragraph (1) until payment.

(7) Where the date mentioned in paragraph (1) is before the coming into operation of this Part the period within which a claim to a farm loss payment can be made shall be the period of one year beginning with the date of the coming into operation of this Part.

*Disturbance payments*

*Disturbance payments for persons without compensatable interests*

**37.**—(1) Where a person is displaced from any land in consequence of—

(*a*) the acquisition of the land by an authority possessing compulsory acquisition powers;

(*b*) the making or acceptance of a housing order or undertaking in respect of a house on the land;

(*c*) where the land has been previously acquired or appropriated by an authority possessing compulsory acquisition powers and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of redevelopment on the land,

he shall, subject to the provisions of this Article, be entitled to receive a payment (in this Order referred to as a "disturbance payment") from the acquiring authority, the authority who made the order or accepted the undertaking or the authority carrying out the redevelopment, as the case may be.

(2) A person shall not be entitled to a disturbance payment—

(*a*) in any case, unless he is in lawful possession of the land from which he is displaced;

(*b*) in a case within paragraph (1) (*a*), unless either—

(i) he has no interest in the land for the acquisition or extinguishment of which he is (or if the acquisition or extinguishment were compulsory would be) entitled to compensation under any other statutory provision; or

(ii) he has such an interest in the land as aforesaid but the compensation is subject to a site value provision and he is not (or if the acquisition were compulsory would not be) entitled in respect of that acquisition to an owner-occupier's supplement;

(*c*) in a case within paragraph (1) (b), if he is entitled to an owner-occupier's supplement by reference to the housing order or undertaking;

and in this paragraph "site value provision" means section 6 of the Housing (Ireland) Act 1919 (**a**) or section 1 (2) of the Housing (Miscellaneous Provisions) Act (Northern Ireland) 1964 (**b**) and "owner-occupier's supplement" means a payment under section 3 or 4 of the Housing Act (Northern Ireland) 1961 (**c**) or Schedule 3 to the Housing Act (Northern Ireland) 1971 (**d**).

(3) For the purposes of paragraph (1) a person shall not be treated as displaced in consequence of any such acquisition or redevelopment as is mentioned in sub-paragraph (*a*) or (*c*) of that paragraph unless he was in lawful possession of the land—

(*a*) in the case of land acquired compulsorily, at the time when the notice of application for, or the notice of intention to make, the vesting order was first published;

(*b*) in the case of land acquired under an Act or Measure specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for that Act or of the proposed Measure specifying the land were first published;

(*c*) in the case of land acquired by agreement, at the time when the agreement was made;

and a person shall not be treated as displaced in consequence of any housing order or undertaking as mentioned in sub-paragraph (*b*) of that paragraph unless he was in lawful possession as aforesaid at the time when the order was made or the undertaking was accepted.

(4) Where a person is displaced from land in circumstances such that, apart from this paragraph, he would be entitled to a disturbance payment from any authority and also to compensation from that authority under section 19 of the Business Tenancies Act (Northern Ireland) 1964 (**e**) (compensation from landlord where order for new tenancy of business premises precluded on certain grounds) he shall be entitled, at his option, to one or the other but not to both.

(5) Where a person is displaced from land in circumstances such that, apart from this paragraph, he received or would be entitled to receive a disturbance payment from any authority and also a payment from that authority under section 6, 7, 8 or 23 of the Housing Act (Northern Ireland) 1961, section 28 of the Housing Act (Northern Ireland) 1963 (**f**), section 37 or 38 of the New Towns Act (Northern Ireland) 1965 (**g**) or Article 60 or 61 of the Planning (Northern Ireland) Order 1972—

(*a*) in a case where he receives on or before the date of the coming into operation of this Part payment under any of those sections or Articles, he shall not be entitled to a disturbance payment;

(*b*) in a case where he has not received on or before that date payment under any of those sections or Articles, he shall be entitled to a disturbance payment but not to any payment under those sections or Articles.

(a) 1919 c. 45. (b) 1964 c. 26 (N.I.). (c) 1961 c. 12 (N.I.). (d) 1971 c. 16 (N.I.).
(e) 1964 c. 36 (N.I.). (f) 1963 c. 26 (N.I.). (g) 1965 c. 13 (N.I.).

(6) Where—

(*a*) a person is displaced from any land as mentioned in paragraph (1); or

(*b*) being a person to whom paragraph (3) applies, gives up occupation of a dwelling by arrangement with the Housing Executive or, as the case may be, the acquiring authority;

but in either case is not entitled, as against the authority there mentioned, to a disturbance payment or to compensation for disturbance under any other statutory provision, the authority may, if they think fit, make a payment to him determined in accordance with Article 38 (1) to (3).

(7) A disturbance payment shall carry interest, at such rate as may for the time being be determined by the Ministry of Finance by order under paragraph 18 of Schedule 6 to the Local Government Act (Northern Ireland) 1972 from the date of displacement or, as the case may be, the giving up of occupation until payment.

(8) The Ministry of Development may, subject to such conditions as it may determine, make to the Housing Executive a contribution equal to the amount of any payment made by the Housing Executive under this Article for the benefit of any person.

(9) In this Article "housing order", "undertaking" and "redevelopment" have the meanings assigned to them by Article 30 (9).

(10) This Article applies if the displacement or giving up of occupation is on or after 17th October 1972.

*Amount of disturbance payment*

**38.**—(1) The amount of a disturbance payment shall be an amount equal to—

(*a*) the reasonable expenses of the person entitled to the payment in removing from the land from which he is displaced; and

(*b*) if he was carrying on a trade or business on that land, the loss he will sustain by reason of the disturbance of that trade or business consequent upon his having to quit the land;

subject, where that person is not entitled to or does not receive a home loss payment or any payment corresponding to a home loss payment, to a minimum of £85.

(2) Subject to Article 47 (7), in estimating the loss of any person for the purposes of paragraph (1) (*b*), regard shall be had to the period for which land occupied by him may reasonably have been expected to be available for the purposes of his trade or business and to the availability of other land suitable for that purpose.

(3) Where the displacement is from a dwelling in respect of which structural modifications have been made for meeting the special needs of a person in need (whether or not the person entitled to the disturbance payment) then, if—

(*a*) the Ministry of Health and Social Services has under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 provided assistance, or

(*b*) that Ministry would, if an application had been made, have provided assistance,

for making those modifications, the amount of the disturbance payment shall include an amount equal to any reasonable expenses incurred by the person entitled to the payment in making, in respect of a dwelling to which the person

in need removes, comparable modifications which are reasonably required for meeting the special needs of the person in need.

(4) Any dispute as to the amount of a disturbance payment shall be referred to and determined by the Lands Tribunal.

*Other payments*

*Payments for certain Housing Executive tenants*

**39.** Where the tenant of a dwelling provided by the Housing Executive moves to another such dwelling, the Housing Executive—

(*a*) may pay the reasonable expenses of the tenant in removing;

(*b*) where the tenant is purchasing the dwelling to which he is removing, may pay any other reasonable expenses incurred by the tenant in connection with the purchase, other than the purchase price.

*Rehousing*

*Duty to rehouse residential occupiers*

**40.**—(1) Where a person is displaced from residential accommodation on any land in consequence of—

(*a*) the acquisition of the land by an authority possessing compulsory acquisition powers;

(*b*) the making or acceptance of a housing order or undertaking in respect of a house on the land;

(*c*) where the land has been previously acquired or appropriated by an authority possessing compulsory acquisition powers and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of redevelopment on the land,

and suitable alternative residential accommodation on reasonable terms is not otherwise available to that person, then, subject to the provisions of this Article, it shall be the duty of the Housing Executive to secure that he will be provided with such other accommodation.

(2) Paragraph (1) shall not by virtue of sub-paragraph (*a*) thereof apply to a person if the acquisition is in pursuance of the service by him of a blight notice under section 3 of the Planning and Land Compensation Act (Northern Ireland) 1971.

(3) Paragraph (1) shall not apply to any person to whom money has been advanced—

(*a*) under Article 42;

(*b*) under the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948, section 14 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956, or section 14 of the Housing Executive Act (Northern Ireland) 1971 (**a**);

for the purpose of enabling him to obtain accommodation in substitution for that from which he may be displaced as mentioned in that paragraph.

(4) For the purposes of paragraph (1) a person shall not be treated as displaced in consequence of any such acquisition or redevelopment as is mentioned in sub-paragraph (*a*) or (*c*) of that paragraph unless he was lawfully residing in the accommodation in question—

(a) 1971 c. 5 (N.I.).

(*a*) in the case of land acquired compulsorily, at the time when the notice of application for, or the notice of intention to make, the vesting order was first published;

(*b*) in the case of land acquired under an Act or Measure specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for that Act or of the proposed Measure specifying the land were first published;

(*c*) in the case of land acquired by agreement, at the time when the agreement was made;

and a person shall not be treated as displaced in consequence of any housing order or undertaking as mentioned in sub-paragraph (*b*) of that paragraph unless he was lawfully residing in the accommodation in question at the time when the order was made or the undertaking was accepted.

(5) In this Article "housing order", "undertaking" and "redevelopment" have the meanings assigned to them by Article 30 (9).

*Duty to rehouse certain caravan dwellers*

**41.**—(1) Article 40 shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that site as it has effect in relation to a person displaced from residential accommodation on any land but shall so have effect subject to the following modifications.

(2) Article 40 (1) shall have effect—

(*a*) as if for the words preceding sub-paragraph (*a*) there were substituted the words "Where a person residing in a caravan on a caravan site is displaced from that site in consequence of"; and

(*b*) as if for the words following sub-paragraph (*c*) there were substituted the words "and neither suitable residential accommodation nor a suitable alternative site for stationing a caravan is available to that person on reasonable terms, then, subject to the provisions of this Article, it shall be the duty of the Housing Executive to secure that he will be provided with suitable residential accommodation".

(3) Article 40 (4) shall have effect as if in the words preceding sub-paragraph (*a*) for the words "unless he was residing in the accommodation in question" there were substituted the words "unless he was residing in a caravan on the caravan site in question".

(4) Article 40 shall have effect as if in any provision not modified as aforesaid for any reference to land there were substituted a reference to a caravan site.

(5) In this Article "caravan site" has the meaning assigned to it by Article 33 (7).

*Power of Housing Executive to make advances repayable on maturity to displaced residential owner-occupiers*

**42.**—(1) Where a person displaced from a dwelling in consequence of any of the matters mentioned in paragraph (1) (*a*), (*b*) or (*c*) of Article 40—

(*a*) is an owner-occupier of the dwelling; and

(*b*) wishes to acquire or construct another dwelling in substitution for that from which he is displaced,

the Housing Executive for the purposes of that Article may advance money to him for the purpose of enabling him to acquire or construct the other dwelling.

(2) The power conferred by this Article shall be exercisable subject to such conditions as may be approved by the Ministry of Development and the following provisions shall apply with respect to any advance made in the exercise of that power.

(3) The advance shall be made—

(*a*) on terms providing for the repayment of the principal—

(i) at the end of a fixed period, with or without a provision allowing the Housing Executive to extend that period; or

(ii) upon notice given by the Housing Executive;

subject, in either case, to a provision for earlier repayment on the happening of a specified event;

(*b*) on such other terms as the Housing Executive may think fit having regard to all the circumstances.

(4) An advance for the construction of a dwelling may be made by instalments from time to time as the works of construction progress.

(5) The principal of the advance, together with interest thereon, shall be secured by a mortgage of the borrower's interest in the dwelling, and the amount of the principal shall not exceed the value which, in accordance with a valuation duly made on behalf of the Housing Executive, it is estimated that the borrower's interest will bear or, as the case may be, will bear when the dwelling has been constructed.

(6) Before advancing money under this Article the Housing Executive shall satisfy itself that the dwelling to be acquired is or will be made, or that the dwelling to be constructed will on completion be, in all respects fit for human habitation.

(7) The power conferred by this Article on the Housing Executive is without prejudice to any power to advance money exercisable by the Housing Executive under any other enactment.

(8) In this Article "owner-occupier", in relation to any accommodation, means a person who occupies it on the date of displacement and either—

(*a*) occupies it on that date in right of a freehold interest (whether legal or equitable) or a tenancy granted or extended for a term of years of which not less than three years remain unexpired; or

(*b*) if the displacement is in consequence of the matters mentioned in sub-paragraph (*c*) of Article 40 (1), occupied it in right of such an interest or tenancy on the date on which the land was acquired or appropriated as mentioned in that sub-paragraph.

(9) In this Article references to the construction of a dwelling include references to the acquisition of a building and its conversion into a dwelling and to the conversion into a dwelling of a building previously acquired.

*Duty of displacing authority to indemnify Housing Executive for net losses*

**43.**—(1) Where the Housing Executive provides or secures the provision of accommodation for any person in pursuance of paragraph (1) (*a*) or (*c*) of Article 40, then, the displacing authority shall make to the Housing Executive periodical payments or, if the Housing Executive so requires a lump sum payment, by way of indemnity against any net loss incurred by the Housing Executive in respect of the provision of that accommodation.

(2) The Ministry of Development may—

(*a*) for the purposes of paragraph (1) determine a method to be used generally in calculating net losses incurred by the Housing Executive;

(*b*) for the purposes of that paragraph, determine the net loss incurred by the Housing Executive in any particular case;

(*c*) give directions as to the manner in which any payment under this Article is to be made.

*Power of relevant authority to defray expenses in connection with acquisition of new dwellings*

**44.**—(1) Where a person displaced from a dwelling in consequence of any such acquisition as is mentioned in Article 40 (1) (*a*)—

(*a*) has no interest in the dwelling or no greater interest therein than as a tenant for a year or from year to year; and

(*b*) wishes to acquire another dwelling in substitution for that from which he is displaced,

the acquiring authority may, if he is not entitled to compensation for disturbance under any statutory provision or rule of law, pay any reasonable expenses incurred by him in connection with the acquisition, other than the purchase price.

(2) No payment shall be made under this Article in respect of expenses incurred by any person in connection with the acquisition of a dwelling unless the dwelling is acquired not later than one year after the displacement and is reasonably comparable with that from which he is displaced.

(3) For the purposes of paragraph (2) a dwelling acquired pursuant to a contract shall be treated as acquired when the contract is made.

(4) Paragraph (4) of Article 40 shall have effect in relation to paragraph (1) of this Article and to paragraph (1) (*a*) of Article 40 as applied thereby.

## PART V

## COMPULSORY ACQUISITION

### *Assessment of compensation*

*Compensation for injurious affection*

**45.**—(1) Where land is acquired or taken from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land acquired or taken from him.

(2) In this Article "compensation for injurious affection" means compensation for injurious affection under section 63 or 121 of the Lands Clauses Consolidation Act 1845 or section 14 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964.

*Compensation for acquisition of dwelling specially adapted for person in need*

**46.**—(1) This Article applies to the assessment of compensation in respect of the compulsory acquisition of an interest in a dwelling which—

(*a*) has been constructed or substantially modified to meet the special needs of a person in need; and

(*b*) is occupied by such a person as his residence immediately before the date when the acquiring authority take possession of the dwelling or was last so occupied before that date.

(2) The compensation shall, if the person whose interest is acquired so elects, be assessed as if the dwelling were land which is devoted to a purpose of such a nature that there is no general demand or market for land for that purpose.

*Compensation for disturbance where business carried on by person over sixty*

**47.**—(1) Where a person is carrying on a trade or business on any land and, in consequence of its compulsory acquisition of the whole of that land is required to give up possession thereof to the acquiring authority, then if—

(*a*) on the date on which he gives up possession as aforesaid he has attained the age of sixty; and

(*b*) on that date the land is or forms part of a hereditament the annual value of which does not exceed the prescribed amount; and

(*c*) that person has not disposed of the goodwill of the whole of the trade or business and gives to the acquiring authority the undertakings mentioned in paragraph (3),

the compensation payable to that person in respect of the compulsory acquisition of his interest in the land or, as the case may be, under section 121 of the Lands Clauses Consolidation Act 1845 shall, so far as attributable to disturbance, be assessed on the assumption that it is not reasonably practicable for that person to carry on the trade or business, or, as the case may be, the part thereof the goodwill of which he has retained, elsewhere than on that land.

(2) In paragraph (1) "the prescribed amount" means the amount which on the date mentioned in that paragraph is the amount set out in section 2 (1) (*b*) of the Planning and Land Compensation Act (Northern Ireland) 1971 (interests qualifying for protection under planning blight provisions) and "annual value" and "hereditament" have the same meanings as in section 10 of that Act taking references to the date of service of a blight notice under section 3 of that Act as references to the date mentioned in paragraph (1).

(3) The undertakings to be given by the person claiming compensation are—

(*a*) an undertaking that he will not dispose of the goodwill of the trade or business, or, as the case may be, of the part thereof the goodwill of which he has retained; and

(*b*) an undertaking that he will not, within such area and for such time as the acquiring authority may require, directly or indirectly engage in or have any interest in any other trade or business of the same or substantially the same kind as that carried on by him on the land acquired.

(4) If an undertaking given by a person for the purposes of this Article is broken an amount equal to the difference between the compensation paid and the compensation that would have been payable if it had been assessed without regard to the provisions of this Article shall be a debt recoverable summarily by the acquiring authority from that person.

(5) This Article shall apply to a trade or business carried on by two or more persons in partnership as if references to the person by whom it is carried on were references to all the partners and as if the undertakings mentioned in paragraph (3) were required to be given by all the partners.

(6) This Article shall apply to a trade or business carried on by a company—

(*a*) as if paragraph (1) (*a*) required—

(i) each shareholder, other than a minority shareholder, to be an individual who has attained the age of sixty on the date there mentioned; and

(ii) each minority shareholder to be an individual who either has attained that age on that date or is the spouse of a shareholder who has attained that age on that date; and

(*b*) as if the undertaking mentioned in paragraph (3) (*b*) were required to be given both by the company and by each shareholder.

(7) This Article shall apply in relation to any disturbance payment assessed in accordance with Article 38 (1) (*b*) as it applies in relation to the compensation mentioned in paragraph (1), and shall so apply subject to the necessary modifications and as if references to the giving up of possession of land to the acquiring authority in consequence of its compulsory acquisition were references to displacement as mentioned in Article 37.

(8) In paragraph (6) "shareholder" means a person who is beneficially entitled to a share or shares in the company carrying voting rights and "minority shareholder" means a person who is so entitled to less than 50 per cent. of those shares.

*Compensation where occupier is rehoused*

**48.**—(1) The amount of compensation payable in respect of the compulsory acquisition of an interest in land shall not be subject to any reduction on account of the fact that the Housing Executive has provided, or undertakes to provide or arrange for the provision of residential accommodation under any statutory provision for the person entitled to the compensation.

(2) In assessing the compensation payable in respect of the compulsory acquisition of an interest in land which on the date the vesting order is made is subject to a tenancy or would have been subject to a tenancy if the tenant had not given up occupation of a dwelling as mentioned in Article 30 (3), there shall be left out of account any increase in or diminution of the value of that interest which is attributable to, or to the prospect of, the tenant giving up possession.

(3) Paragraph (1) shall apply in relation to any payment to which a person is entitled under Part IV as it applies in relation to the compensation mentioned in that paragraph taking references to the Housing Executive as references to the authority responsible for making that payment.

*Advance payment of compensation*

*Right to advance payment of compensation*

**49.**—(1) Where a vesting order has become operative the acquiring authority shall, if a request in that behalf is made in accordance with paragraph (2), make an advance payment on account of the compensation payable by them for the compulsory acquisition of any interest in that land.

(2) Any request under this Article shall be made by the person entitled to the compensation (in this Article referred to as "the claimant"), shall be in writing, shall give particulars of the claimant's interest in the land and shall be accompanied or supplemented by such other particulars as the acquiring authority may reasonably require to enable them to estimate the amount of the compensation in respect of which the advance payment is to be made.

(3) Subject to paragraph (6), the amount of any advance payment under this Article shall be equal to 90 per cent. of the following amount, that is to say—

(*a*) if the acquiring authority and the claimant have agreed on the amount of the compensation, the agreed amount;

(*b*) in any other case, an amount equal to the compensation as estimated by the acquiring authority.

(4) Any advance payment under this Article shall be made not later than three months after the date on which a request for the payment is made in accordance with paragraph (2).

(5) Where an advance payment is made on the basis of an estimate under paragraph (3) (*b*) and the amount of that payment exceeds the compensation as finally determined or agreed, the excess shall be repaid; and if after an advance payment has been made to any person it is discovered that he was not entitled to it the amount of the payment shall be a debt recoverable summarily by the acquiring authority from the claimant.

(6) No advance payment shall be made on account of compensation payable in respect of any land which is subject to a mortgage the principal of which exceeds 90 per cent. of the amount mentioned in paragraph (3); and where the land is subject to a mortgage the principal of which does not exceed 90 per cent. of that amount, the advance payment shall be reduced by such sum as the acquiring authority consider will be required by them for securing the release of the interest of the mortgagee.

(7) Any advance payment on account of compensation in respect of an interest which is settled land for the purposes of the Settled Land Acts 1882 to 1890 shall be made to the persons entitled to give a discharge for capital money and shall be treated as capital money arising under those Acts.

*Severance of land*

*Vesting order in respect of part of agricultural land*

**50.**—(1) Where a vesting order becomes operative in respect of any agricultural land and any person (whether in occupation or not) having a greater interest in the land than as tenant for a year or from year to year has such an interest in other agricultural land comprised in the same agricultural unit as that to which the vesting order relates, that person (in this Part referred to as "the claimant") may, within the period of two months beginning with the date on which the vesting order becomes operative, serve on the acquiring authority a notice—

(*a*) claiming that the other land is not reasonably capable of being farmed either by itself or in conjunction with other relevant land, as a separate agricultural unit; and

(*b*) requiring the acquiring authority to purchase his interest in the whole of the other land.

(2) Where a notice is served under paragraph (1) the claimant shall also, within the period mentioned in that paragraph, serve a copy thereof on any other person who has an interest in the land to which the requirement in the notice relates, but failure to comply with this paragraph shall not invalidate the notice.

(3) Subject to paragraph (4), "other relevant land" in paragraph (1) means—

(*a*) land comprised in the same agricultural unit as the land to which the vesting order relates, being land in which the claimant does not have such an interest as is mentioned in that paragraph; and

(*b*) land comprised in any other agricultural unit occupied by him on the date of operation of the vesting order, being land in respect of which he is then entitled to a greater interest than as tenant for a year or from year to year.

(4) Where the notice of application for, or the notice of intention to make, a vesting order in respect of any of the other agricultural land mentioned in paragraph (1) or in respect of other relevant land as defined in paragraph (3) is first published, then, unless and until the application is withdrawn or refused

or, as the case may be, the intention to make the vesting order is abandoned, this Article and Article 51 shall have effect as if that land did not form part of that other agricultural land or did not constitute other relevant land, as the case may be.

(5) This Article is without prejudice to the rights conferred by sections 93 and 94 of the Lands Clauses Consolidation Act 1845 (provisions as to divided land).

*Effect of notice under Article* 50

**51.**—(1) If the acquiring authority do not within the period of two months beginning with the date of service of a notice under Article 50 agree in writing to accept the notice as valid, the claimant or the authority may, within two months after the end of that period, refer it to the Lands Tribunal; and on any such reference the Tribunal shall determine whether the claim in the notice is justified and declare the notice valid or invalid.

(2) Where a notice is accepted as, or declared to be, valid under paragraph (1) the acquiring authority shall be deemed—

(*a*) to be authorised to acquire compulsorily, under the statutory provision by virtue of which they are empowered to acquire the land in respect of which the vesting order relates, the claimant's interest in the land to which the requirement in the notice relates; and

(*b*) at the end of six weeks beginning with the date as mentioned in paragraph (3), to have entered into a contract to purchase the claimant's interest in that land on the date on which the vesting order becomes operative.

(3) A claimant may withdraw a notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been agreed between the parties or determined by the Lands Tribunal or at any time before the end of six weeks beginning with the date on which the compensation is so agreed or determined; and where a notice is withdrawn by virtue of this paragraph any contract deemed to have been made in consequence thereof shall be deemed not to have been made.

(4) The compensation payable in respect of the acquisition of an interest in land in pursuance of a notice served under Article 50 shall be assessed on the assumptions mentioned in Article 8 (2), (3) and (4) as if the claimant's interest in the land to which such notice relates was compulsorily acquired.

(5) Where by virtue of this Article the acquiring authority become, or will become, entitled to a lease of any land but not to the interest of the lessor—

(*a*) the authority shall offer to surrender the lease to the lessor on such terms as the authority consider reasonable;

(*b*) the question of what terms are reasonable may be referred to the Lands Tribunal by the authority or the lessor and, if at the expiration of three months after the date of the offer mentioned in paragraph (*a*), the authority and the lessor have not agreed on that question and that question has not been referred to the Tribunal by the lessor, it shall be so referred by the authority;

(*c*) if that question is referred to the Tribunal, the lessor shall be deemed to have accepted the surrender of the lease at the expiration of one month after the date of the determination of the Tribunal or on such other date as the Tribunal may direct and to have agreed with the authority on the terms of surrender which the Tribunal has held to be reasonable;

and for the purposes of this paragraph any terms as to surrender contained in the lease shall be disregarded.

(6) Where the lessor refuses to accept any sum payable to him by virtue of paragraph (5), or refuses or fails to make out his title to the satisfaction of the acquiring authority, the authority may pay into court any sum payable to the lessor by virtue of that paragraph; and paragraph 17 of Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply to that sum with the necessary modifications.

(7) Where an acquiring authority who become entitled to the lease of any land as mentioned in paragraph (5) are a body incorporated by or under any statutory provision the corporate powers of the authority shall, if they would not otherwise do so, include power to farm that land.

*Acquisition of part of tenanted agricultural holding*

**52.**—(1) Where—

(*a*) a person is in occupation of an agricultural holding being a person having no greater interest therein than as tenant for a year or from year to year; and

(*b*) a vesting order becomes operative in respect of part only of that holding; and

(*c*) the acquiring authority require that person to give up possession of that part before the date on which his term or interest therein would apart from the operation of the vesting order have expired;

that person (in this Article referred to as "the claimant") may, within the period of two months beginning with the date on which he was required to give up possession as aforesaid, serve on the acquiring authority a notice—

(i) claiming that the remainder of the holding is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and

(ii) electing to treat the requirement to give up possession as relating to the entire holding.

(2) Where a notice is served under paragraph (1) the claimant shall also, within the period mentioned in that paragraph, serve a copy thereof on the landlord of the holding, but failure to comply with this paragraph shall not invalidate the notice.

(3) Subject to paragraph (4), "other relevant land" in paragraph (1) means—

(*a*) land comprised in the same agricultural unit as the agricultural holding; and

(*b*) land comprised in any other agricultural unit occupied by the claimant on the date on which he was required to give up possession as mentioned in paragraph (1) (*c*) being land in respect of which he is then entitled to a greater interest than as tenant for a year or from year to year.

(4) Where an acquiring authority have published notice of application for, or intention to make, a vesting order in respect of land in the agricultural holding other than that to which the requirement to give up possession relates or in respect of other relevant land as defined in paragraph (3) then unless and until the application is withdrawn or refused, or, as the case may be, the intention to make the vesting order is abandoned, this Article and Article 53 shall have effect as if that land did not form part of the holding or did not constitute other relevant land as the case may be.

(5) In this Article and Article 53 "agricultural holding" means the aggregate of the agricultural land comprised in a contract of tenancy.

*Effect of notice under Article 52*

**53.**—(1) If the acquiring authority do not within the period of two months beginning with the date of service of a notice under Article 52 agree in writing to accept the notice as valid the claimant or the authority may within two months after the end of that period refer it to the Lands Tribunal; and on any such reference the Tribunal shall determine whether the claim in the notice is justified and declare the notice valid or invalid.

(2) Where a notice is accepted as, or declared to be, valid under paragraph (1) then if before the expiration of twelve months after it has been so accepted or declared the claimant has given up possession of every part of the agricultural holding to the acquiring authority—

(*a*) the requirement to give up possession shall be deemed to have extended to that part of the holding to which it did not relate; and

(*b*) the claimant shall be deemed to have given up possession of that part in pursuance of that requirement on the day before the expiration of the year of the tenancy which is current when the notice is so accepted or declared.

(3) Where the claimant gives up possession of an agricultural holding to the acquiring authority as aforesaid but the authority have not been empowered to acquire the landlord's interest in, or in any of, the part of the holding to which the requirement to give up possession did not relate ("the land not subject to compulsory acquisition")—

(*a*) neither the claimant nor the authority shall be under any liability to the landlord by reason of the claimant giving up possession of the land not subject to compulsory acquisition or the authority taking or being in possession of it;

(*b*) immediately after the date on which the authority take possession of the land not subject to compulsory acquisition they shall give up to the landlord, and he shall take, possession of that land;

(*c*) the tenancy shall be treated as terminated on the date on which the claimant gives up possession of the holding to the acquiring authority or (if he gives up possession of different parts at different times) gives up possession as aforesaid of the last part but without prejudice to any rights or liabilities of the landlord or the claimant which have accrued before that date;

(*d*) any rights of the claimant against, or liabilities of the claimant to, the landlord which arise on or out of the termination of the tenancy by virtue of sub-paragraph (*c*) (whether under the contract of tenancy or any statutory provision or otherwise) shall be rights and liabilities of the authority and any question as to the payment to be made in respect of any such right or liability shall be referred to and determined by the Lands Tribunal;

(*e*) any increase in the value of the land not subject to compulsory acquisition which is attributable to the landlord's taking possession of it under sub-paragraph (*b*) shall be deducted from the compensation payable in respect of the acquisition of his interest in the remainder of the holding.

*Determination of material detriment where part of house etc. is compulsorily acquired.*

**54.** In determining under—

(*a*) section 13 (3) of the Local Government and Roads Act (Northern Ireland) 1968 (a); or

(*b*) section 6 (4) of the Planning and Land Compensation Act (Northern Ireland) 1971; or

(*c*) paragraph 10 (3) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 or any provision corresponding to that paragraph which is contained in any other statutory provision including (except where otherwise provided) a statutory provision passed after the making of this Order;

whether part of a house, building or factory can be taken without material detriment to the house, building or factory the Lands Tribunal shall take into account not only the effect of the severence but also the use to be made of the part proposed to be acquired and, in a case where the part is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.

*Miscellaneous*

*Interest on compensation for injurious affection where no land taken*

**55.** Compensation under section 15 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (compensation for injurious affection where no land taken) shall carry interest, at such rate as may for the time being be determined by the Ministry of Finance by order under paragraph 18 of Schedule 6 to the Local Government Act (Northern Ireland) 1972, from the date of the claim until payment.

## PART VI

## PLANNING BLIGHT

*Extension of classes of blighted land*

*Land affected by proposed development plan*

**56.**—(1) In paragraph (i) of section 1 (1) of the Act of 1971 (land indicated in a development plan) the reference to a development plan shall include a reference to—

(*a*) a development plan of which copies have been made available for inspection under Article 6 (1) of the Planning (Northern Ireland) Order 1972;

(*b*) proposals for alterations to a development plan copies of which have been made available for inspection under Article 8 (2) of that Order;

(*c*) modifications proposed to be made by the Ministry in any such plan or proposals as are mentioned in sub-paragraph (*a*) or (*b*), being modifications of which notice has been given by the Ministry in accordance with regulations under Part III of that Order.

(2) No blight notice shall be served by virtue of this Article after the relevant plan or proposals have been adopted by the Ministry (whether in their original form or with modifications).

(3) Where an appropriate authority have served a counter-notice objecting to a blight notice served by virtue of this Article, then, if the relevant plan or

(a) 1968 c. 30 (N.I.).

alterations are adopted (whether in their original form or with modifications) the appropriate authority may serve on the claimant, in substitution for the counter-notice already served, a further counter-notice specifying different grounds of objection, and section 6 of the Act of 1971 (reference of objection to Lands Tribunal) shall have effect in relation to the further counter-notice as it has effect in relation to the counter-notice already served, so however that a further counter-notice under this paragraph shall not be served—

(*a*) at any time after the end of the period of two months beginning with the date on which the relevant plan or alterations are adopted; or

(*b*) if the objection in the counter-notice already served has been withdrawn or the Lands Tribunal has already determined whether or not to uphold that objection.

*Land affected by proposed exercise of powers under Article* 24

**57.** In section 1 (1) (*f*) of the Act of 1971—

(*a*) the reference to a power of compulsory acquisition conferred by any of the provisions there mentioned shall include a reference to the power of compulsory acquisition conferred by Article 24 (1);

(*b*) the reference to land required for purposes of construction, improvement or alteration as indicated in a draft order there mentioned shall include a reference to land required for the purposes of Article 24 (1).

*Extension of section* 1 *of the Act of* 1971

**58.** After section 1 (1) (*i*) of the Act of 1971 there shall be inserted the following paragraphs—

"(*j*) is land indicated in a plan (not being a development plan) as land which may be required for the purposes of any function of a government department, district council or statutory undertaker, being land in respect of which the Ministry has given to the district council written notice of its intention to exercise its powers of planning control under Part IV of the Planning (Northern Ireland) Order 1972 by reference to such a plan;

(*k*) is land in respect of which the Ministry has exercised its powers under Part IV of that Order to safeguard it for development for the purposes of any function mentioned in paragraph (*j*);

(*l*) is land shown on a map or plan published by the Ministry as land proposed to be acquired by it for the purposes of Article 24 (1) of the Land Acquisition and Compensation (Northern Ireland) Order 1973.".

*Attempts to sell blighted property*

*Amended requirements about attempts to sell blighted property*

**59.**—(1) In section 3 (1) (*c*) of the Act of 1971 (which requires a person serving a blight notice to have been unable to sell his interest except at a price lower than if the land had not been blighted) for the words from "he has been unable to sell" onwards there shall be substituted the words "in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in land of any of the specified descriptions, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land".

(2) This Article does not affect any blight notice served before the making of this Order.

*Blight notices by personal representatives*

*Power of personal representatives to serve blight notice*

**60.**—(1) Where the whole or part of a hereditament or agricultural unit is comprised in land of any of the specified descriptions, and a person claims that—

(*a*) he is the personal representative of a person ("the deceased") who at the date of his death was entitled to an interest in that hereditament or unit; and

(*b*) the interest was one which would have qualified for protection under Part I of the Act of 1971 if a notice under section 3 of that Act had been served in respect thereof on that date; and

(*c*) he has made reasonable endeavours to sell that interest; and

(*d*) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be comprised in land of any of the specified descriptions, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land; and

(*e*) one or more individuals are (to the exclusion of any body corporate) beneficially entitled to that interest,

he may serve on the appropriate authority a blight notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, the said Part I.

(2) Paragraph (1) applies to an interest in part of a hereditament or agricultural unit, but this paragraph does not enable any person—

(*a*) if the deceased was entitled to an interest in the entirety of a hereditament or agricultural unit, to make any claim or serve a blight notice in respect of the deceased's interest in part of the hereditament or unit; or

(*b*) if the deceased was entitled to an interest only in part of a hereditament or agricultural unit, to make any claim or serve a blight notice in respect of the deceased's interest in less than the entirety of that part.

(3) Subject to Article 62 (2), the grounds on which objection may be made in a counter-notice under section 5 of the Act of 1971 to a notice under this Article are those specified in paragraphs (*a*) to (*c*) of subsection (2) of that section and, in a case to which it applies, the grounds specified in paragraph (*g*) of that subsection and also the following grounds—

(*a*) that the claimant is not the personal representative of the deceased or that, on the date of the deceased's death, the deceased was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;

(*b*) that (for reasons specified in the counter-notice) the interest of the deceased is not such as is specified in paragraph (1) (*b*);

(*c*) that the conditions specified in paragraph (1) (*c*), (*d*) or (*e*) are not fulfilled.

(4) For the purpose of section 4 (4) and (5) of the Act of 1971 (which prevent the service of concurrent blight notices under sections 3 and 4 of that Act) a blight notice served under this Article shall be treated as a blight notice under the said section 3.

*Blight notices in respect of agricultural units*

*Blight notices requiring purchase of whole agricultural unit*

**61.**—(1) Where a blight notice is served in respect of an interest in the whole or part of an agricultural unit and on the date of service that unit or part contains land (in this Part referred to as "the unaffected area") which does not fall within any of the specified descriptions as well as land (in this Part referred to as "the affected area") which does so, the claimant may include in the notice—

(*a*) a claim that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and

(*b*) a requirement that the appropriate authority shall purchase his interest in the whole of the unit or, as the case may be, in the whole of the part of it to which the notice relates.

(2) Subject to Article 62 (3) ,"other relevant land" in paragraph (1) means—

(*a*) land comprised in the remainder of the agricultural unit if the blight notice is served only in respect of part of it;

(*b*) land comprised in any other agricultural unit occupied by the claimant on the date of service, being land in respect of which he is then entitled to an owner's interest as defined in section 2 (5) of the Act of 1971.

*Objection to blight notice requiring purchase ofwhole agricultural unit*

**62.**—(1) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of Article 61 shall include the grounds that the claim made in the notice is not justified.

(2) Objection shall not be made to a blight notice served by virtue of Article 61 on the grounds mentioned in section 5 (2) (*c*) of the Act of 1971 (part only of affected area proposed to be acquired) unless it is also made on the grounds mentioned in paragraph (1); and the Lands Tribunal shall not uphold an objection to any such notice on the grounds mentioned in the said section 5 (2) (*c*) unless it also upholds the objection on the grounds mentioned in paragraph (1).

(3) Where objection is made to a blight notice served by virtue of Article 61 on the grounds mentioned in paragraph (1) and also on those mentioned in the said section 5 (2) (*c*), the Lands Tribunal, in determining whether or not to uphold the objection, shall treat that part of the affected area which is not specified in the counter-notice as included in "other relevant land" as defined in Article 61 (2).

(4) If the Lands Tribunal upholds an objection but only on the grounds mentioned in paragraph (1), the Tribunal shall declare that the blight notice is a valid notice in relation to the affected area but not in relation to the unaffected area.

(5) If the Tribunal upholds an objection both on the grounds mentioned in paragraph (1) and on the grounds mentioned in the said section 5 (2) (*c*) (but not on any other grounds) the Tribunal shall declare that the blight notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate authority propose to acquire as therein mentioned but not in relation to any other part of the affected area or in relation to the unaffected area.

(6) Section 6 (6) of the Act of 1971 shall not apply to any blight notice served by virtue of Article 61.

*Effect of blight notice requiring purchase of whole agricultural unit*

**63.**—(1) In relation to a blight notice served by virtue of Article 61 section 7 (6) of the Act of 1971 shall not apply to any such blight notice.

(2) Where a counter-notice has been served objecting to a blight notice on the grounds mentioned in Article 62 (1), then if either—

(*a*) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he withdraws his claim as to the unaffected area; or

(*b*) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with Article 62 (4),

section 7 (1) of the Act of 1971 shall have effect in relation to the interest of the claimant in so far as it subsists in the affected area (but not in so far as it subsists in the unaffected area) except that in a case falling within sub-paragraph (*a*) the date of acceptance shall be the date on which notice is given by the claimant under that sub-paragraph.

(3) Where a counter-notice has been served objecting to a blight notice on the grounds mentioned in Article 62 (1) and also on the grounds mentioned in section 5 (2) (*c*) of the Act of 1971, then if either—

(*a*) the claimant, without referring that objection to the Lands Tribunal and before the time for so referring it has expired, gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area, specified in the counter-notice and withdraws his claim as to the remainder of that area and as to the unaffected area; or

(*b*) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with Article 62 (5) in respect of that part of the affected area;

section 7 (1) of the Act of 1971 shall have effect in relation to the interest of the claimant in so far as it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area or in the unaffected area) except that in a case falling within sub-paragraph (*a*) the date of acceptance shall be the date on which notice is given by the claimant under that sub-paragraph.

(4) The compensation payable in respect of the acquisition by virtue of this Article of an interest in land comprised in—

(*a*) the unaffected area of an agricultural unit; or

(*b*) if a counter-notice has been served objecting to the blight notice on the grounds mentioned in section 5 (2) (*c*) of the Act of 1971, so much of the affected area of the unit as is not specified in the counter-notice,

shall be assessed on the assumptions mentioned in Article 8 (2), (3) and (4).

(5) In relation to a blight notice served by virtue of Article 61 references to "the appropriate authority" shall be construed as if the unaffected area of an agricultural unit were part of the affected area.

(6) The provisions mentioned in section 9 of the Act of 1971 (operation of blight provisions where claimant dies after serving blight notice) shall include paragraphs (2) and (3).

*Supplementary*

*Supplementary provisions*

**64.**—(1) In this Part "the Act of 1971" means the Planning and Land Compensation Act (Northern Ireland) 1971 and "Ministry" means the Ministry of Development.

(2) In Part I of the Act of 1971 references to "this Part" shall include references to this Part of this Order and references to "the specified descriptions" shall include references to the descriptions contained in section 1 of that Act as extended by this Part of this Order and to the descriptions contained in Article 58.

(3) The Act of 1971 shall have effect as if this Part of this Order were included in Part I of that Act.

## PART VII

## ACQUISITION OF LAND BY MINISTRY OF FINANCE

*Compulsory acquisition of land required for the public service*

**65.**—(1) Without prejudice to the power of the Ministry of Finance (in this and the following Article referred to as "the Ministry") under section 5 (1) of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 **(a)** to purchase by agreement or take on lease any land required for the purpose of any functions of the Ministry or for the administration of any public service in Northern Ireland, the Ministry may acquire compulsorily, in accordance with the following provisions of this Article, any land required for that purpose or for the administration of any such service.

(2) Where in exercise of the power conferred by paragraph (1) the Ministry desires to acquire any land compulsorily, the Ministry may make an order (in this Article referred to as a "vesting order") vesting the land in the Ministry.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to the modifications thereof specified in Schedule 1 to this Order, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(4) The power to make a vesting order in respect of land—

(*a*) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or

(*b*) which is declared by or under any transferred provision to be inalienable;

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of each House of Parliament.

(5) Nothing in this Article shall have effect to confer power on the Ministry to acquire compulsorily any land for the purposes of any instrument under which the Ministry acts as trustee.

*Power to enter on lands*

**66.**—(1) A person authorised in writing by the Ministry (in this Article referred to as an "authorised person") may, on production if required of his credentials, at any reasonable time enter any land for the purpose of survey, valuation or examination—

(a) 1933 c. 6 (N.I.).

(*a*) where the Ministry proposes to acquire the land compulsorily under Article 65; or

(*b*) where it appears to the Ministry that survey, valuation or examination is necessary in order to determine whether the land should be so acquired.

(2) A power of entry under paragraph (1) shall not be exercisable in relation to any land except—

(*a*) with consent given by the occupier of the land; or

(*b*) after at least twenty-four hours' notice of the intended entry has been served on the occupier or owner of the land.

(3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from carrying out anything which the authorised person is duly authorised to do or obstructs the authorised person in carrying out any such thing, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from duly carrying into effect any survey, valuation or examination of the land or obstructs the authorised person in doing any such survey, valuation or examination, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land all things requisite for carrying into effect such survey, valuation or examination; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding £20.

(5) Where under this Article an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the Ministry shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right or failing to perform any duty under this Article.

(6) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.

(8) Any power conferred by this Article shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil therein and to take and carry away for examination specimens of the subsoil found therein.

## PART VIII

## MISCELLANEOUS PROVISIONS

*Planning*

**67.**—(1) In Article 23 (3) (*b*) of the Planning (Northern Ireland) Order 1972 (notice of appeal to be accompanied by the prescribed fee) after the word "fee" there shall be inserted the words "(if any)".

(2) In Article 41 (2) (*c*) of that Order (application of certain transferred provisions to, or to applications for, consent for display of advertisements) after "IX" there shall be inserted the words "or of Part III of the Act of 1965 (compensation for planning restrictions)".

(3) Article 96 of that Order (which provides for apportionment of the development value of land where that value relates to a compensatable estate in land comprising minerals and the fee simple estate or a tenancy in the minerals has since 25th February 1963 been severed from the fee simple estate or a tenancy in the reminder of the land) shall cease to have effect.

(4) In consequence of that Order sections 22 and 91 of the Public Health Acts Amendment Act 1907 **(a)** (rounding off of buildings at corners and regulation of sky signs) shall cease to have effect.

*Certificates of alternative development*

**68.** For section 15 (2) of the Planning and Land Compensation Act (Northern Ireland) 1971 there shall be substituted the following subsection:—

"(2) For the purpose of section 13 an interest in land shall be taken to be an interest proposed to be acquired by an authority possessing compulsory acquisition powers—

(*a*) where an application for the making of a vesting order in respect of that interest has been made under any statutory provision; or

(*b*) where an offer in writing has been made by or on behalf of the authority to negotiate for the purchase of that interest; or

(*c*) where a notice requiring the purchase of that interest has been served under any statutory provision and under that statutory provision there is deemed to be a contract to sell the interest to the authority.".

*Receipts for payments made under this Order*

**69.** Where an authority make any payment under this Order to any person, that authority shall obtain from that person a receipt in such form as the Ministry of Finance may direct.

*Application to Crown*

**70.**—(1) References in Parts II and III of this Order to public works and responsible authorities include references to any works or authority which, apart from any Crown exemptions, would be public works or a responsible authority.

(2) Parts IV and V of this Order apply in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments being authorities possessing compulsory acquisition powers, as they apply in relation to the acquisition of interests in land by such authorities who are not government departments.

*Financial provisions*

**71.** Any expenses incurred by any government department under this Order and any increase attributable to any provision of this Order, in the sums which are to be defrayed under any other statutory provision may be defrayed out of money hereafter appropriated for the purpose of meeting such expenses.

*Amendments and repeals*

**72.**—(1) The enactments set out in Schedule 2 shall have effect subject to the amendments specified in that Schedule.

**(a)** 1907 c. 53.

(2) The enactments set out in Schedule 3 are hereby repealed to the extent specified in column 3 of that Schedule.

*W. G. Agnew*

## SCHEDULES

SCHEDULE 1 Article 65 (3).

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 65

1. References to the Ministry or to the council shall be construed as references to the Ministry within the meaning of Article 65.

2. References to the said Schedule 6 shall be construed as references to that Schedule as modified by this Schedule.

3. Paragraph 1 shall be omitted.

4. In paragraph 2—

(*a*) for the words from the beginning to "directs," there shall be substituted the words "Where the Ministry proposes to acquire land otherwise than by agreement, it shall give notice of its intention to do so and such notice";

(*b*) in sub-paragraph (*c*) for the words "as may be prescribed" there shall be substituted the words "as the Ministry considers fit".

5. In paragraph 3 (1) (ii) for the word "refuse" there shall be substituted the words "decide not".

6. In paragraph 4 the words from "and may provide" to the end of the paragraph shall be omitted.

7. In paragraph 5—

(*a*) in sub-paragraph (1) (*a*) the words "in the prescribed form and manner" shall be omitted;

(*b*) in sub-paragraph (1) (*b*) the two references to the said Act of 1972 shall be construed as references to Article 65;

(*c*) in sub-paragraph (1) (*d*) the words "in the prescribed form" shall be omitted.

(*d*) in sub-paragraph (2) for the words "as may be prescribed" there shall be substituted the words "as the Ministry considers fit".

8. In paragraph 6 (2) for the words "fund out of which the expenses of the council in acquiring the land are to be defrayed" there shall be substituted the words "Consolidated Fund" and for the words "out of the compensation fund" there shall be substituted the words "made by the Ministry".

9. In paragraph 8 the words ", other than the consent of the Ministry of Finance" shall be omitted.

10. In paragraph 11 (3) for the words from "the council shall give" to "intention" there shall be substituted the words "and the Ministry intends" and the words "of Finance" in the second place where they occur shall be omitted.

11. In paragraph 12—

(*a*) in sub-paragraph (1) the word "such" and the words "as may be prescribed shall be omitted;

(*b*) in sub-paragraph (2) for the words from "clerk" to "directs" there shall be substituted the words "Ministry as correct, and shall publish".

12. In paragraph 14 (1) the words "in the prescribed form" shall be omitted.

13. In paragraph 15 (1) for the words "in the prescribed form" there shall be substituted the words "in such form as may be approved by the Ministry".

14. In paragraph 18 (2) the words "of Finance" shall be omitted.

15. Paragraph 19 shall be omitted.

16. In pargaraph 20, sub-paragraph (2) shall be omitted.

Article 72 (1). SCHEDULE 2

AMENDMENT OF THE PLANNING AND LAND COMPENSATION ACT (NORTHERN IRELAND) 1971 (c. 23)

1.—(1) In section 2 (1)—

(*a*) for "hereditament or part of a hereditament" substitute "land";

(*b*) in paragraph (*b*) (i) for "hereditament" substitute "unit";

(*c*) in paragraph (*b*) (iii) omit "(i) or".

(2) After section 2 (2) insert the following subsection—

"(2A) In this Part "owner-occupier" in relation to an agricultural unit means a person who—

(*a*) occupies the whole of that unit, and has occupied it during the whole of the period of six months ending with the date of service of a blight notice; or

(*b*) occupied the whole of that unit during the whole of a period of six months ending not more than one year before the date of service of a blight notice,

and, at all times material for the purposes of paragraph (*a*) or, as the case may be, paragraph (*b*), has been entitled to an owner's interest in the whole or part of that unit.".

2. In section 3 after "hereditament" in the seven places where it occurs insert "or agricultural unit".

3. In section 4—

(*a*) in subsection (1) (*a*) after "hereditament" insert "or agricultural unit";

(*b*) in subsection (4) for "or any part thereof" substitute "or agricultural unit, or any part of a hereditament or agricultural unit,"; and for "or part" substitute "; unit or part".

4.—(1) In section 5 (2)—

(*a*) in paragraph (*a*) after "hereditament" insert "or agricultural unit";

(*b*) in paragraph (*b*) after "hereditament" insert "or (in the case of an agricultural unit) any part of the affected area";

(*c*) in paragraph (*c*) after "hereditament" in the first place where it occurs insert "or (in the case of an agricultural unit) a part of the affected area" and in the second place where it occurs insert "or area";

(*d*) in paragraph (*d*) after "hereditament" insert "or agricultural unit";

(*e*) in paragraph (*g*) for "or (*i*)" substitute "(*i*), (*j*) or (*k*)"; and after "hereditament" insert "or (in the case of an agricultural unit) any part of the affected area";

(*f*) in paragraph (*h*) (i) after "hereditament" insert "or agricultural unit".

(2) In section 5 (4) after "subsection (2)" insert "or Article 60 (3) or 62 (1) of the Land Acquisition and Compensation (Northern Ireland) Order 1973".

(3) In section 5 (5) after "hereditament" insert "or (in the case of an agricultural unit) the affected area".

5. In section 6 (6), after "hereditament" insert "or (in the case of an agricultural unit) of the affected area".

6. In section 7—

(*a*) in subsection (6) (*a*) after "hereditament" in the first place where it occurs insert "or affected area" and in the second place where it occurs insert "or area";

(*b*) in subsection (6) after "hereditament" in the third place where it occurs insert "or affected area" and in the fourth place where it occurs insert "or area".

7. In section 8 (1) for the words "or part of a hereditament" substitute "or agricultural unit".

8. In section 10 (1)—

(*a*) there shall be inserted the following definitions at the appropriate alphabetical points—

" "the affected area", in relation to an agricultural unit, means so much of that unit as, on the date of service of a blight notice, consists of land falling within any of the specified descriptions;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing lands, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes; and "agricultural" shall be construed accordingly;

"agricultural unit" means land which is occupied as a unit for agricultural purposes, including any dwellinghouse or other building occupied by the same person for the purpose of farming the land;";

(*b*) in the definition of "annual value" the words from "or in relation to land" onwards shall be omitted;

(*c*) in the definition of "blight notice" at the end add "or Article 60 of the Land Acquisition and Compensation (Northern Ireland) Order 1973";

(*d*) in the definition of "hereditament" the words from "or which is certified" onwards shall be omitted.

Article 72 (2).

SCHEDULE 3

REPEALS

| Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 7 Edw. 7 c. 53. | The Public Health Acts Amendment Act 1907. | Sections 22 and 91. |
| 21 & 22 Geo. 5 c. 12. | The Planning and Housing Act (Northern Ireland) 1931. | Section 36. |
| 12, 13 & 14 Geo. 6 c. 67. | The Civil Aviation Act 1949. | Section 31 (3). |
| 1956 c. 10. | The Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956. | Sections 2 (4) (*c*) and 7. |
| 1961 c. 12. | The Housing Act (Northern Ireland )1961. | Sections 6, 7, 8 (1) and (2), 22 and 23. |
| 1963 c. 26. | The Housing Act (Northern Ireland) 1963. | Section 28. |
| 1964 c. 26. | The Housing (Miscellaneous Provisions) Act (Northern Ireland) 1964. | Sections 10 (1) to (4) and 11. |
| 1965 c. 13. | The New Towns Act (Northern Ireland) 1965. | Sections 37 and 38. |
| 1965 c. 23. | The Land Development Values (Compensation) Act (Northern Ireland) 1965. | In section 8 (4) the words inserted by Article 96 (2) of the Planning (Northern Ireland) Order 1972. |
| 1971 c. 16. | The Housing Act (Northern Ireland) 1971. | In Schedule 5, in Part II in the entry relating to the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 the words "7 (1) (i) and". |
| S.I. 1972/1634 (N.I. 17). | The Planning (Northern Ireland) Order 1972. | Articles 60, 61 and 96. |

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order confers a new right to compensation for depreciation of the value of interests in land caused by the use of roads, aerodromes and other public works in Northern Ireland and contains provisions for mitigating the injurious effect of such works on their surroundings. The Order also makes new provision for the benefit of persons displaced from land by public authorities, enables the Ministry of Finance to acquire land compulsorily for the purpose of the administration of any public service in Northern Ireland and amends the law relating to compulsory purchase, planning and planning blight.