1978 No. 333

TOWN AND COUNTRY PLANNING

Planning Blight Regulations (Northern Ireland) 1978

Made . . . . . 1*st November* 1978

Coming into operation . . . 1*st December* 1978

The Department of the Environment, in exercise of the powers conferred by sections 3, 5 and 10 of the Planning and Land Compensation Act (Northern Ireland) 1971(**a**) (hereinafter referred to as "the Act") and by Article 60 of the Land Acquisition and Compensation (Northern Ireland) Order 1973(**b**) (hereinafter referred to as "the Order") and now vested in it(**c**) and of all other powers enabling it in that behalf hereby makes the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Planning Blight Regulations (Northern Ireland) 1978 and shall come into operation on 1st December 1978.

Revocation

2. The Planning Blight Regulations (Northern Ireland) 1971(**d**) are hereby revoked.

Blight notices and counter-notices

3. A blight notice for the purposes of section 3 of the Act, a mortgagee's blight notice for the purposes of section 4 of the Act, a personal representative's blight notice for the purposes of Article 60 of the Order and a counter-notice for the purposes of section 5 of the Act shall be in Forms 1, 2, 3 and 4 respectively as set out in the Schedule.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 1st November 1978.

(L.S.)

A. F. Collins
Assistant Secretary

(a) 1971 c. 23 (N.I.)
(b) S.I. 1973/1896 (N.I. 21)
(c) *See* S.R. & O. (N.I.) 1973 No. 504 Article 7 (II, p. 2992); 1973 c. 36 Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)
(d) S.R. & O. (N.I.) 1971 No. 276 (p. 1336)

SCHEDULE

FORM 1

PLANNING AND LAND COMPENSATION ACT (NORTHERN IRELAND) 1971

Blight Notice

To: [1]

at [2]

I [3] of

pursuant to the provisions of section 3 of the Planning and Land Compensation Act (Northern Ireland) 1971 (hereinafter called "the Act") HEREBY GIVE YOU NOTICE:—

1. I am entitled to the interest set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.

2. [The] [Part of the]* hereditament or agricultural unit has been included in land falling within paragraph [4] of section 1(1) of the Act.

3. I have made reasonable endeavours to sell the said interest but in consequence of the fact that it was, or was likely to be, so included, I have been unable to sell it 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, so included. Particulars of these endeavours are set out [below] [in the letter accompanying this notice].* [5]

4. The said interest qualifies for protection under Part I of the Act because [6]

EITHER

[it is that of resident owner-occupier, within the meaning of section 2(3) of the Act.]*

OR

[it is that of owner-occupier, within the meaning of section 2(2A) of the Act, of an agricultural unit.]*

OR

[it is that of owner-occupier, within the meaning of section 2(2) of the Act, of a hereditament the annual value of which does not exceed £2,250.]*

5. I therefore require you to purchase my interest in the hereditament or agricultural unit.

FIRST SCHEDULE

Particulars of interest in land, together with names and addresses of any mortgagees thereof and a note of any other encumbrances thereon.

SECOND SCHEDULE

Particulars of the hereditament or agricultural unit. A plan should be attached to identify the land if this is necessary.

Dated ..... Signed [8] .....

* Delete where inappropriate.

FORM 2

PLANNING AND LAND COMPENSATION ACT (NORTHERN IRELAND) 1971

Mortgagee's Blight Notice

To: [1]

at [2]

I [3] of

pursuant to the provisions of section 4 of the Planning and Land Compensation Act (Northern Ireland) 1971 (hereinafter referred to as "the Act") HEREBY GIVE YOU NOTICE:—

1. I am entitled as mortgagee (by virtue of a power which has become exercisable) to sell the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto, giving immediate vacant possession of the land.
2. [The] [Part of the]* hereditament or agricultural unit has been included in land falling within paragraph [4] of section 1(1) of the Act.
3. I have made reasonable endeavours to sell the said interest but in consequence of the fact that it was, or was likely to be, so included, I have been unable to sell it 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, so included. Particulars of these endeavours are set out [below] [in the letter accompanying this notice].* [5]
4. I am entitled to take advantage of the provisions of Part I of the Act because the person entitled (otherwise than as mortgagee) to the said interest [6]

EITHER

[is either a resident owner-occupier of a hereditament within the meaning of section 2(3) of the Act or was such a resident owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely , the particulars in paragraph 2 above were correct in relation to the hereditament.]* [7]

OR

[is either an owner-occupier, within the meaning of section 2(2A) of the Act, of an agricultural unit or was such an owner-occupier on an earlier date, not more than six months before the service of this notice, on which earlier date, namely , the particulars in paragraph 2 above were correct in relation to the agricultural unit.] [7]

OR

[is either an owner-occupier, within the meaning of section 2(2) of the Act, of a hereditament the annual value of which does not exceed £2,250 or was such an owner-occupier on an earlier date, not more than six months before the service of the notice, on which earlier date, namely , the particulars in paragraph 2 above were correct in relation to the hereditament.]* [7]

5. I therefore require you to purchase the said interest in the hereditament or agricultural unit.

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any other known mortgagees thereof and a note of any other encumbrances thereon known to the claimant.

SECOND SCHEDULE

Particulars of the hereditament or agricultural unit. A plan should be attached to identify the land if this is necessary.

Dated ..... Signed [8] .....

* Delete where inappropriate.

FORM 3

LAND ACQUISITION AND COMPENSATION (NORTHERN IRELAND) ORDER 1973

Personal Representative's Blight Notice

To: [1]

at [2]

I [3] of

pursuant to the provisions of Article 60 of the Land Acquisition and Compensation (Northern Ireland) Order 1973 HEREBY GIVE YOU NOTICE:—

1. I am entitled as personal representative of a person ("the deceased"), and not being a member of a body corporate, to sell the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.

2. [The] [Part of the]* hereditament or agricultural unit was on the date of the deceased's death and continues to be included in land falling within paragraph [4] of section 1(1) of the Planning and Land Compensation Act (Northern Ireland) 1971 (hereinafter referred to as "the Act").

3. I have made reasonable endeavours to sell the said interest but in consequence of the fact that it was, or was likely to be, so included, I have been unable to sell it 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, so included. Particulars of these endeavours are set out [below] [in the letter accompanying this notice].* [5]

4. I am entitled to take advantage of the provisions of Part 1 of the Act because the deceased at the date of his death was entitled to the said interest and on that date [6]

EITHER

[was a resident owner-occupier, within the meaning of section 2(3) of the Act.]*

OR

[was an owner-occupier, within the meaning of section 2(2A) of the Act, of an agricultural unit]*

OR

[was an owner-occupier, within the meaning of section 2(2) of the Act, of a hereditament the annual value of which did not exceed £2,250]*

5. I therefore require you to purchase the said interest in the hereditament or agricultural unit.

FIRST SCHEDULE

Particulars of interest in land, together with names and addresses of any mortgagees thereof and of a note of any other encumbrances thereon known to the claimant.

SECOND SCHEDULE

Particulars of the hereditament or agricultural unit. A plan should be attached to identify the land if this is necessary.

Dated ..... Signed [8] .....

* Delete where inappropriate.

NOTES TO FORMS 1, 2 AND 3

[1] Insert name of authority to be served.

[2] Insert principal address of authority.

[3] Insert full name and address of person serving the notice.

[4] Insert which paragraph.

[5] Particulars of the steps taken to sell the land should be given here or in an accompanying letter and should include dates, price asked and any offers received.

[6] The claimant should choose which paragraph is to form part of the notice and delete the other two.

[7] Within the paragraph chosen, underline those words after "either" which are appropriate to the case.

[8] Signature of person serving the notice.

FORM 4

PLANNING AND LAND COMPENSATION ACT (NORTHERN IRELAND) 1971

LAND ACQUISITION AND COMPENSATION (NORTHERN IRELAND) ORDER 1973

Counter-Notice Objecting to Blight Notice

To: [1]

THE [2] HEREBY GIVE YOU NOTICE under section 5 of the Planning and Land Compensation Act (Northern Ireland) 1971 that they OBJECT to the blight notice served by you on 19 under [[section 3] [section 4]* of that Act] [Article 60 of the Land Acquisition and Compensation (Northern Ireland) Order 1973]* in respect of the [hereditament] [agricultural unit]* described as [3]

The grounds on which objection is taken are [4]

Dated On behalf of [2]

Signed

NOTE: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal under the provisions of section 6 of the above mentioned Act. In that case you should notify the Registrar, The Lands Tribunal, Royal Courts of Justice (Ulster), Chichester Street, Belfast BT1 3JJ, within two months of the date of service of this notice.

NOTES TO FORM 4

[1] Insert name and address of addressee.

[2] Insert name of authority.

[3] Insert particulars.

[4] These must specify the grounds on which the authority object to the notice (being one or more of the grounds specified in section 5(2) of the Planning and Land Compensation Act (Northern Ireland) 1971 (as amended) or Articles 60(3) or 62(1) of the Land Acquisition and Compensation (Northern Ireland) Order 1973).

* Delete where inappropriate.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations set out the prescribed forms of blight notice and counter-notice required by Part I of the Planning and Land Compensation Act (Northern Ireland) 1971 and Article 60 of the Land Acquisition and Compensation (Northern Ireland) Order 1973.

Forms 1, 2 and 4 supersede forms 1, 2 and 3 respectively in the Planning Blight Regulations (Northern Ireland) 1971. Form 3 is for a personal representative's blight notice for the purposes of Article 60 of the Land Acquisition and Compensation (Northern Ireland) Order 1973.