PLANNING SCHEMES.

Determination of Questions as to Compensation p. 262. | *Procedure* p. 265.

Determination of Questions as to Compensation.

THE PLANNING SCHEMES (DETERMINATION OF QUESTIONS AS TO COMPENSATION) RULES (NORTHERN IRELAND), 1931, DATED THE 19TH DAY OF NOVEMBER, 1931, MADE BY THE MINISTRY OF FINANCE UNDER THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919, AS AMENDED BY THE ADMINISTRATIVE PROVISIONS ACT (NORTHERN IRELAND), 1928.

1931. No. 129.

The Ministry of Finance for Northern Ireland in pursuance of the powers vested in the said Ministry by the above-mentioned Acts, and for the purposes of sections nine and thirteen of the Planning and Housing Act (Northern Ireland), 1931, hereby makes the following regulations :—

Short title.

1. These rules may be cited as the Planning Schemes (Determination of Questions as to Compensation) Rules (Northern Ireland), 1931.

Amendment as to meaning of terms in Acquisition of Land (Assessment of Compensation) Rules (N.I.), 1928.

2.—(1) The expression "question" in Rule 2 of the Acquisition of Land (Assessment of Compensation) Rules (Northern Ireland), 1928, (in these Rules referred to as "the Rules of 1928") shall include any question which, by virtue of section nine or section thirteen of the Planning and Housing Act (Northern Ireland), 1931, is to be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, by an arbitrator to be appointed under section one of the Administrative Provisions Act (Northern Ireland), 1928, (in these Rules referred to as "a question relating to compensation under a planning scheme.")

(2) In the application of the Rules of 1928 to a question relating to compensation under a planning scheme, references in those Rules to the acquiring authority and to the claimant shall respectively mean the responsible authority mentioned in section nine or the local authority mentioned in section thirteen of the Planning and Housing Act (Northern Ireland), 1931, and the person whose property is alleged to have been injuriously affected or increased in value by the scheme and by or against whom a

claim has accordingly been made under either of the said sections, and the expression "claim" shall include a claim under either of those sections.

Time when reference may be made to arbitrator and form of reference.

3.—(1) Any question relating to compensation under a planning scheme may be referred to the arbitrator at any time after the expiration of fourteen days from the date on which the claim for compensation was made.

(2) In the case of a question relating to compensation under a planning scheme the form of reference set out in the Schedule to these Rules shall be substituted for the form set out in the Schedule to the Rules of 1928.

4. The Rules of 1928 shall in their application to a question relating to compensation under a planning scheme have effect as if the following paragraphs were substituted for paragraphs (1) and (2) respectively of Rule 5 thereof :—

"(1) Where claims have been made under section nine or section thirteen of the Planning and Housing Act (Northern Ireland), 1931, by or against two or more persons having different interests in the same property, the responsible authority or the local authority may, upon giving notice to each claimant and to the arbitrator at least fourteen days before the date arranged for the hearing, apply to the arbitrator for an Order that all or any of the claims shall be heard together.

(2) If any person to whom notice under paragraph (1) of this Rule has been sent, objects to have the claim made by or against him heard with the other claims, he shall, within seven days after receipt of such notice, send notice of his objection to the responsible authority or the local authority, and the arbitrator."

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 19th day of November, 1931, in the presence of—

(O.S.) (Signed) *G. C. Duggan,*
Assistant Secretary.

SCHEDULE.

PLANNING SCHEMES.

Form of reference to Arbitrator in case of a question relating to compensation under a planning scheme.

Acquisition of Land (Assessment of Compensation) Act, 1919, as amended, and the Planning and Housing Act (Northern Ireland), 1931, Sections 9 and 13.

Reference to Arbitrator.

To the Arbitrator appointed under the foregoing Acts.

I, being the person whose property is affected by a planning scheme (*or*, We, being the responsible authority or the local authority) specified in the annexed particulars hereby refer to your arbitration the hearing and determination of the question of which particulars are annexed.

A copy of this reference together with the amount of fee payable thereon has been forwarded to the Ministry of Finance.

*Signed.....

Date.....

* *If the Reference is signed by an agent, add "by..... his (or their) agent."*

Particulars.

Name and Address of responsible (*or* local) authority:

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Name and Address of responsible (*or* local) authority's solicitor or agent:

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Name and Address of person whose property is affected:

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Name and Address of his solicitor or agent:

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Description of property affected:

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Situation of property affected:—

County.....

County District.....

District Electoral Division (or Ward).....

Nature of question.....

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