



# Mineral Development Act (Northern Ireland) 1969

## 1969 CHAPTER 35

### GENERAL PROVISIONS AS TO COMPENSATION, ETC.

#### **44 Provisions with respect to land subject to Land Purchase Annuity.**

- (1) This section applies where—
  - (a) any consideration or compensation in respect of the acquisition of land or ancillary rights is payable under this Act, or compensation for damage to land is payable under section 38, and
  - (b) the land in respect of which the consideration or compensation is payable is subject to an annuity under the Land Purchase Acts which is payable by the person, or one of the persons, entitled to the consideration or compensation.
- (2) Where the amount of the consideration or compensation is fixed by agreement or any question with respect to that amount is referred to the Lands Tribunal,—
  - (a) the parties to the agreement, at least fourteen days before the payment of the consideration or compensation in pursuance thereof, or
  - (b) the parties to the reference, at least fourteen days before the hearing thereof, shall serve on the Ministry of Finance notice in writing of the agreement or, as the case may be, the reference.
- (3) Where a notice is served on the Ministry of Finance under subsection (2),—
  - (a) if that Ministry so requires in connection with an agreement, the person liable to pay the consideration or compensation shall pay, or
  - (b) if that Ministry so requests the Lands Tribunal in connection with a reference to the Tribunal, the Tribunal shall order the person liable to pay the compensation to pay,

to that Ministry the whole or such lesser part of the consideration or, as the case may be, the compensation payable to the person mentioned in subsection (1)(b) as is equivalent in value to the arrears, if any, of the annuity, to be applied in discharge of the arrears.

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**Changes to legislation:** There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 44. (See end of Document for details)

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- (4) Where any notice required to be served on the Ministry of Finance under subsection (2) is not so served,—
- (a) where the amount of consideration or compensation is fixed by agreement, the payment of the amount so fixed shall not operate as a good discharge to the person paying that amount of his liability to pay the consideration or compensation;
  - (b) where any question with respect to the amount of compensation is referred to the Lands Tribunal, the Tribunal shall adjourn the hearing of the reference until the requirements of that subsection have been complied with.
- (5) The payment to the Ministry of Finance, by the person who is under a liability to pay the consideration or compensation, of any moneys under subsection (3) shall operate as a discharge of his liability to the extent of the payment.

**Changes to legislation:**

There are currently no known outstanding effects for the Mineral Development Act (Northern Ireland) 1969, Section 44.