



# Planning and Land Compensation Act (Northern Ireland) 1971

## 1971 CHAPTER 23

An Act to make further provision in relation to the acquisition of land by public authorities in certain circumstances and as to the assumptions to be made in assessing compensation for the compulsory acquisition of land; to amend the Planning Acts (Northern Ireland) 1944 and 1965 and to make other provision with respect to planning matters. [15th June 1971]

*Part II (ss. 11-15) rep. by 1982 NI 9*

### PART III

#### PLANNING LAW

*S.16 rep. by 1972 NI 17*

#### **17 Validation of certain planning decisions.**

- (1) Where a planning authority have, before the passing of this Act, purported to give a decision on an application for planning permission after the date on which the application was deemed to have been refused under section 2(5) of the Act of 1944, subsection (2) shall have effect in relation to the application and decision.
- (2) Subject to subsections (3) and (5)—
  - (a) the application for planning permission shall not be deemed to have been refused under section 2(5) of the Act of 1944; and
  - (b) any decision given in pursuance of the application shall be deemed to have had effect from the date on which the planning authority purported to give it; and
  - (c) anything done or matter arising in relation to that decision shall have effect and shall be deemed, from the date on which the thing or matter purported to have effect as if it had been done or had arisen in relation to a decision which has effect as mentioned in paragraph ( b).

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*Changes to legislation: There are currently no known outstanding effects for the Planning and Land Compensation Act (Northern Ireland) 1971. (See end of Document for details)*

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- (3) Subsection (2) shall not affect—
- (a) any order, decree or judgment arising out of legal proceedings begun before the passing of this Act;
  - (b) any other proceedings in relation to any such order, decree or judgment; or
  - (c) any decision on an appeal under section 2(6) of the Act of 1944 begun before the passing of this Act in relation to an application for planning permission referred to in subsection (1).
- (4) Where—
- (a) any land is the subject of a planning decision in respect of which compensation is payable, or has been paid, under the Act of 1944 or Part II of the Act of 1965; and
  - (b) after the passing of this Act, such a decision as is mentioned in subsection (1) is, in relation to that land or any part of it, modified or revoked by an order under section 3 of the Act of 1944 [<sup>F1</sup> or Article 29 of the Order of 1972],
- the following provisions shall have effect:—
- (i) in determining the depreciation of the value of a compensatable estate in the land or part, the order shall be deemed to have been made on the day on which the planning decision mentioned in paragraph (a) is given;
  - (ii) there shall be deducted, from any compensation payable under section 26 of the Act of 1965, in respect of a compensatable estate in the land or part any compensation paid under the Act of 1944 or paid or payable under Part II of the Act of 1965 in respect of that estate.
- (5) Subsection (2) shall not have effect in relation to so much of any decision made on an application for planning permission which grants permission for development (whether subject to conditions or not) as relates to land which consists of or includes land which is or has been the subject of an order under section 3 of the Act of 1944 [<sup>F1</sup> or Article 29 of the Order of 1972].

<b>F1</b> 1972 NI 17
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*Ss.18#25 rep. by 1972 NI 17*

*S.26 amends s.43 of 1965 c.23 (NI)*

## PART IV

### MISCELLANEOUS AND GENERAL

*S. 27 rep. by 1982 NI 9*

*S.28 amends s.42 of 1954 c.33 (NI)*

## 29 Expenses

There may be defrayed out of money provided by Parliament—

- (a) any expenses incurred under this Act by the Ministry;
- (b) any increase, attributable to this Act, in the sums which, under any other enactment, may be so defrayed.

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**Changes to legislation:** There are currently no known outstanding effects for the Planning and Land Compensation Act (Northern Ireland) 1971. (See end of Document for details)

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### 30 Interpretation, regulations and orders.

(1) In this Act—

“the Act of 1944” means the Planning (Interim Development) Act (Northern Ireland) 1944 ;

“the Act of 1965” means the Land Development Values (Compensation) Act (Northern Ireland) 1965 ;

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

“the Lands Tribunal” means the Lands Tribunal for Northern Ireland;

“the Ministry” means the Ministry of Development<sup>F2</sup>;

[<sup>F3</sup> “the Order of 1972” means the Planning (Northern Ireland) Order 1972 ;]

“the Planning Acts” means the Planning Acts (Northern Ireland) 1931 to 1965;

“planning authority” means an interim development authority or, in relation to any area where, under the New Towns Act (Northern Ireland) 1965 , the Ministry exercises the functions of such an authority, the Ministry;

“planning permission” means permission granted in pursuance of an interim development application [<sup>F3</sup> or under the Order of 1972].

(2) Regulations and orders made by the Ministry under this Act shall be subject to negative resolution.

**F2** SRO (NI) 1973/504; 1976 NI 6

**F3** 1972 NI 17

*S.31, with Schedule, effects repeals*

### 32 Short title, etc.

(1) This Act may be cited as the Planning and Land Compensation Act (Northern Ireland) 1971.

*Subs. (2)(3) rep. by 1981 NI 16*

*Subs. (4) rep. by 1982 NI 9*

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**Changes to legislation:** *There are currently no known outstanding effects for the Planning and Land Compensation Act (Northern Ireland) 1971. (See end of Document for details)*

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## *Schedule — Repeals*

**Changes to legislation:**

There are currently no known outstanding effects for the Planning and Land Compensation Act (Northern Ireland) 1971.