
STATUTORY INSTRUMENTS

1973 No. 1896

**Land Acquisition and Compensation
(Northern Ireland) Order 1973**

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

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 4.