
STATUTORY INSTRUMENTS

1981 No. 608

**The Planning Blight (Compensation)
(Northern Ireland) Order 1981**

Blight notices-general

Reference of objection to Lands Tribunal

7.—(1) Where a counter-notice has been served objecting to a blight notice, the claimant may, within two months of the date of service of the counter-notice, refer the objection to the Lands Tribunal.

(2) On any such reference, if the objection is not withdrawn, the Lands Tribunal shall consider the matters set out in the blight notice served by the claimant and the grounds of objection specified in the counter-notice; and, subject to paragraph (3), unless it is shown to the satisfaction of the Tribunal that the objection is not well founded, the Tribunal shall uphold the objection.

(3) An objection on the ground mentioned in Article 6 (2) (b), (c) or (g) shall not be upheld unless it is shown to the satisfaction of the Tribunal that the objection is well founded.

(4) The Tribunal shall not uphold an objection on the ground mentioned in Article 6 (2) (c) if the part of the hereditament which the appropriate authority proposes to acquire is, or includes, part of a house, building or factory and the Tribunal is satisfied that the part cannot be acquired without causing material detriment to the house, building or factory.

(5) If the Tribunal determines not to uphold the objection, it shall declare the blight notice to which the counter-notice relates as valid.

(6) If the Tribunal upholds the objection, but only on the grounds mentioned in Article 6 (2) (c), it shall declare that the notice is a valid notice in relation to the part of the hereditament or (in the case of an agricultural unit) of the affected area specified in the counter-notice as the part which the appropriate authority proposes to acquire compulsorily, but not in relation to any other part.

(7) In determining under paragraph (4) whether part of a house, building or factory can be taken without material detriment to the house, building or factory, the Lands Tribunal shall take into account not only the effect of the severance but also the use to be made of the part proposed to be acquired; and in a case where the part is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the The Planning Blight (Compensation) (Northern Ireland) Order 1981, Section 7.