
STATUTORY INSTRUMENTS

1982 No. 712

The Land Compensation (Northern Ireland) Order 1982

PART II **N.I.**

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

Tribunal for assessing compensation in respect of land compulsorily acquired **N.I.**

3. Where by or under any statute (whether passed or made before or after the making of this Order) land is authorised to be acquired compulsorily,—

- (a) any question of disputed compensation; and
- (b) where any part of the land to be acquired is subject to a lease which comprises land not acquired, any question as to the apportionment of the rent payable under the lease;

shall be referred to and determined by the Lands Tribunal.

Procedure on references under Article 3 **N.I.**

4.—(1) The following provisions shall have effect with respect to any proceedings on a question referred to the Lands Tribunal under Article 3.

(2) The Lands Tribunal shall sit in public.

(3) Not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs; except that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.

(4) A member of the Lands Tribunal shall be entitled to enter on and inspect any land which is the subject of the proceedings.

(5) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

(6) It shall not be necessary for a member of the Lands Tribunal to make any declaration before entering into the consideration of any matter which is the subject of the proceedings.

Modifications etc. (not altering text)

- C1** Art. 4 applied (with modifications) (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), **242(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- C2** Art. 4 applied (9.10.2006) by [Producer Responsibility Obligations \(Packaging Waste\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/356\)](#), regs. 1(1), 35, **Sch. 8 para. 5(3)** (with reg. 3)
- C3** Art. 4 applied (with modifications) (1.2.2007) by [Water Abstraction and Impoundment \(Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/482\)](#), regs. 1, 22(4), **Sch. 2 para. 6(3)**

Changes to legislation: The Land Compensation (Northern Ireland) Order 1982, PART II is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C4 Art. 4 applied (with modifications) (19.5.2008) by [Waste Management Licences \(Consultation and Compensation\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/160\)](#), **reg. 8(4)**
- C5 Art. 4 applied (with modifications) (24.7.2009) by [Environmental Liability \(Prevention and Remediation\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/252\)](#), **reg. 25(2)**, **Sch. 5 para. 7(2)**
- C6 Art. 4 applied (with modifications) (6.1.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/453\)](#), **reg. 1**, **Sch. 6 para. 7(4)** (with **reg. 5**, **Sch. 3**)
- C7 Art. 4 applied (with modifications) (20.6.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/160\)](#), **reg. 1**, **Sch. 6 para. 7(4)** (with **reg. 5**, **Sch. 3**)

Costs **N.I.**

^{F15}5.—(1) Where either—

- (a) the acquiring authority has made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered; or
- (b) the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable it to make a proper offer, a notice in writing of the amount claimed by him containing the particulars mentioned in paragraph (2);

the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as such costs were incurred after the offer was made or, as the case may be, after the time when in the opinion of the Lands Tribunal the notice should have been delivered.

(2) The notice mentioned in paragraph (1) shall—

- (a) state the exact nature of the interest in respect of which compensation is claimed; and
- (b) give details of the compensation claimed by—
 - (i) distinguishing the amounts under separate heads, and
 - (ii) showing how the amount claimed under each head is calculated.

(3) Where a claimant has delivered a notice as required by paragraph (1) (b) the acquiring authority may, at any time within six weeks after the delivery of it, withdraw any notice to treat which has been served on the claimant or on any other person interested in the land authorised to be acquired, but shall be liable to pay compensation to any such claimant or other person for any loss or expenses occasioned by the notice to treat having been given to him and withdrawn, and the amount of such compensation shall, in default of agreement, be determined by the Lands Tribunal.

(4) Where a claimant has delivered a notice as required by paragraph (1) (b) and has made an unconditional offer in writing to accept any sum as compensation then, if the sum awarded to him by the Lands Tribunal is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear its own costs and to pay the costs of the claimant so far as such costs were incurred after his offer was made.

(5) The Lands Tribunal may in any case disallow the cost of counsel.

(6) Where the Lands Tribunal orders the claimant to pay the costs, or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.

(7) Without prejudice to any other method of recovery, the amount of costs ordered to be paid by a claimant, or such part of it as is not covered by the deduction mentioned in paragraph (6), shall be a debt recoverable summarily by the acquiring authority from the claimant.

F1 mod. by 1983 NI 18

Modifications etc. (not altering text)

- C8** Art. 5 applied (with modifications) (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **242(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- C9** Art. 5 applied (9.10.2006) by Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2006 (S.R. 2006/356), regs. 1(1), 35, **Sch. 8 para. 5(3)** (with reg. 3)
- C10** Art. 5 applied (with modifications) (1.2.2007) by Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/482), regs. 1, 22(4), **Sch. 2 para. 6(3)**
- C11** Art. 5 applied (with modifications) (19.5.2008) by Waste Management Licences (Consultation and Compensation) Regulations (Northern Ireland) 2008 (S.R. 2008/160), **reg. 8(4)**
- C12** Art. 5 applied (with modifications) (24.7.2009) by Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 (S.R. 2009/252), reg. 25(2), **Sch. 5 para. 7(2)**
- C13** Art. 5 applied (with modifications) (6.1.2013) by The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2012 (S.R. 2012/453), reg. 1, Sch. 6 para. 7(4) (with reg. 5, Sch. 3)
- C14** Art. 5 applied (with modifications) (20.6.2013) by The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (S.R. 2013/160), reg. 1, **Sch. 6 para. 7(4)** (with reg. 5, Sch. 3)

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(2)-(4) applied (by S.I. 1996/725 (N.I.), art. 18B 18C (as inserted)) by [2022 c. 46 s. 64\(2\)](#)