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## STATUTORY INSTRUMENTS

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# 1991 No. 1220

## The Planning (Northern Ireland) Order 1991

### PART X

#### FURTHER PROVISIONS AS TO HISTORIC BUILDINGS

##### Compulsory acquisition of listed buildings

**109.**—(1) If it appears to the Department that, in the case of a listed building to which this paragraph applies, reasonable steps are not being taken for properly preserving it, the Department may, if it considers it expedient in order to preserve the building, compulsorily acquire the building and any land comprising or contiguous or adjacent to it which appears to the Department to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.

(2) Paragraph (1) applies to any listed building, except—

- (a) a building which is the subject of a guardianship or protection order under the Historic Monuments Act (Northern Ireland) 1971; or
- (b) a building for the time being included in a schedule of historic monuments published by the Department under that Act.

(3) Where the Department desires to acquire, otherwise than by agreement, any land under paragraph (1), the Department may make an order vesting that land in the Department; and Articles 87 to 93 shall, with any necessary modifications, apply in relation to such acquisitions accordingly.

(4) The Department shall not commence proceedings for the compulsory acquisition of a building under this Article unless at least two months previously it has served on the owner of the building, and not withdrawn, a notice (in this Article referred to as a “repairs notice”)—

- (a) specifying the works which the Department considers reasonably necessary for the proper preservation of the building; and
- (b) explaining the effect of this Article.

(5) Where the Department has served a repairs notice, the demolition of the building thereafter shall not prevent the Department from being authorised under this Article to acquire compulsorily the site of the building, if the Department is satisfied that it would have made a vesting order in respect of the building had it not been demolished.

(6) The Department may at any time withdraw a repairs notice served by it; and if it does so, it shall forthwith give notice of the withdrawal to the person who was served with the repairs notice.

[<sup>F1</sup>(7) This Article does not permit the acquisition of any estate in Crown land unless—

- (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and
- (b) the appropriate authority consents to the acquisition.

(8) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).]

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**Status:** Point in time view as at 17/10/2006. This version of this provision has been superseded.

**Changes to legislation:** The Planning (Northern Ireland) Order 1991, Section 109 is up to date with all changes known to be in force on or before 14 July 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)

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**F1** Art. 109(7)(8) added (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), **Sch. 1 para. 6**

**Status:**

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