
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART IX

POWERS OF DEPARTMENT IN RELATION TO LAND

Acquisition of land

Acquisition of land for mitigation of adverse effect of road construction or improvement

112.—(1) Subject to paragraphs (3) and (4), the Department may acquire land by agreement or compulsorily for the purpose of mitigating any adverse effect which the existence or use of a road constructed or improved by it, or proposed to be constructed or improved by it, has or will have on the surroundings of the road.

(2) Subject to paragraphs (3) and (4), the Department may acquire by agreement—

- (a) land the enjoyment of which is seriously affected by the carrying out of works by the Department for the construction or improvement of a road;
- (b) land the enjoyment of which is seriously affected by the use of a road which the Department has constructed or improved,

if the interest of the vendor is one which falls within Article 4 of the Planning Blight (Compensation) (Northern Ireland) Order 1981^{F1} (interests qualifying for protection under blight provisions) taking references to the date of service of a blight notice under Article 5 of that Order as references to the date on which the purchase agreement is made.

(3) The powers conferred by paragraph (1) to acquire land compulsorily and the powers conferred by paragraph (2)(a) shall not be exercisable unless the acquisition is begun before the date on which the road or, as the case may be, the improved road is first open to public traffic.

(4) The powers conferred by paragraph (1) to acquire land by agreement and the powers conferred by paragraph (2)(b) shall not be exercisable unless the acquisition is begun before the expiration of one year from the date on which the road or, as the case may be, the improved road is first open to public traffic.

(5) For the purposes of paragraphs (3) and (4) the acquisition of any land is begun—

- (a) if it is compulsory, on the date on which the notice required by paragraph 2 of Schedule 6 to the Local Government Act (Northern Ireland) 1972^{F2} as applied by Article 113 is first published;
- (b) if it is by agreement, on the date on which the agreement is made;

and where compulsory acquisition of any land under paragraph (1) is begun within the time limited by paragraph (3) but is not proceeded with, any subsequent compulsory acquisition of that land under paragraph (1) shall be treated for the purposes of this Article as begun within that time.

Changes to legislation: There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Section 112. (See end of Document for details)

(6) For the purpose of assessing the compensation payable on the compulsory acquisition of land under this Article the land shall be treated as if it were being acquired for the construction of the road or, as the case may be, the improvement in question.

F1	1981 NI 16
F2	1972 c. 9 (N.I.)

Changes to legislation:

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Section 112.