
STATUTORY INSTRUMENTS

1995 No. 1625

**Historic Monuments and Archaeological
Objects (Northern Ireland) Order 1995**

PART II

HISTORIC MONUMENTS

Protection of scheduled monuments

Recovery of compensation under Article 9 on subsequent grant of consent

10.—(1) Subject to the following provisions of this Article, this Article applies—

- (a) in a case where compensation under Article 9 was paid in consequence of the refusal of a scheduled monument consent, if the Department subsequently grants scheduled monument consent for the execution of all or any of the works in respect of which the compensation was paid; and
- (b) in the case where compensation under that Article was paid in consequence of the granting of a scheduled monument consent subject to conditions, if the Department subsequently so modifies that consent that those conditions, or any of them, cease to apply to the execution of all or any of the works in respect of which the compensation was paid or grants a new consent in respect of all or any of those works free from those conditions, or any of them.

(2) This Article does not apply in any case unless—

- (a) the compensation paid exceeded £200; and
- (b) at or before the time when compensation is paid to any person, notice is served on him by the Department specifying the decision which gave rise to the right to compensation, the monument affected by the decision and the amount of the compensation and stating that this Article applies.

(3) In granting or modifying a scheduled monument consent in a case to which this Article applies the Department may do so on terms that no works in respect of which the compensation was paid are to be executed in pursuance of the consent until the recoverable amount has been repaid to the Department or secured to its satisfaction.

(4) Subject to paragraph (5), in paragraph (3) “the recoverable amount” means such amount (being an amount representing the whole of the compensation previously paid or such part thereof as the Department thinks fit) as the Department may specify in giving notice of its decision on the application for scheduled monument consent or (as the case may be) in the direction modifying the consent.

(5) Where a person who has an estate in the whole or any part of a monument is aggrieved by the amount specified by the Department as the recoverable amount for the purposes of paragraph (3), he may require the determination of that amount to be referred to the Lands Tribunal; and in any such case the recoverable amount for the purposes of that paragraph shall be such amount (being

an amount representing the whole or any part of the compensation previously paid) as that Tribunal may determine to be just in the circumstances of the case.