
STATUTORY INSTRUMENTS

1995 No. 1625

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

PART II

HISTORIC MONUMENTS

Protection of scheduled monuments

Compensation where works affecting a scheduled monument cease to be authorised

11.—(1) Subject to the following provisions of this Article, where any works affecting a scheduled monument which were previously authorised under this Part cease to be so, then, if any person who has an estate in the whole or any part of the monument—

- (a) has incurred expenditure in carrying out works which are rendered abortive by the fact that any further works have ceased to be so authorised; or
- (b) has otherwise sustained loss or damage which is directly attributable to that fact,

the Department shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) Paragraph (1) only applies where the works cease to be authorised under this Part—

- (a) by virtue of the fact that a scheduled monument consent granted by order under Article 5 ceases to apply to any scheduled monument (whether by virtue of variation or revocation of the order or by virtue of a direction under paragraph (3) of that Article); or
- (b) by virtue of the modification or revocation of a scheduled monument consent by a direction given under Article 6; or
- (c) in accordance with paragraph 7 of Schedule 1, by virtue of the service of a notice of proposed modification or revocation of a scheduled monument consent under paragraph 4 of that Schedule.

(3) A person shall not be entitled to compensation under this Article in a case falling within paragraph (2)(a) unless, on an application for scheduled monument consent for the works in question, consent is refused, or is granted subject to conditions other than those which previously applied under the order.

(4) For the purposes of this Article, any expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out those works.

(5) Subject to paragraph (4), no compensation shall be paid under this Article in respect of any works carried out before the grant of the scheduled monument consent in question, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an estate in land) arising out of anything done or omitted to be done before the grant of that consent.

(6) Sections 32 and 33 of the Land Development Values (Compensation) Act (Northern Ireland) 1965⁽¹⁾ shall, subject to any necessary modifications, have effect in relation to any compensation payable under this Article in respect of any loss or damage consisting of depreciation of the value of an estate in land as they have effect in relation to compensation payable under Part III of that Act.

⁽¹⁾ 1965 c. 23 (N.I.)