

SCHEDULES

SCHEDULE 2

Article 23(4).

ORDERS CONFERRING COMPULSORY POWERS FOR EXECUTING WORKS

1. Before making an order under Article 23(2) the Department shall prepare a draft of the order and publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality where the waterway or land to which the order relates is situated or the engineering or building operations are to be carried out, a notice—

- (a) stating the general effect of the order as prepared in draft;
- (b) specifying a place where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of 28 days beginning with the date of the first publication of the notice;
- (c) stating that any person may, within that period, by notice in writing to the Department object to the making of the order.

2. Not later than the date on which the notice is first published in pursuance of paragraph 1, the Department shall serve a copy of the notice on every person appearing to the Department to have an estate in any land which may be substantially affected by the exercise of any compulsory powers if the order were made in the terms of the draft which may be inspected under paragraph 1(b).

3. The Department shall also publish in the Belfast Gazette a notice stating that the draft order has been prepared, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of any newspaper in which the notice under paragraph 1 was published and the date of an issue containing the notice.

4. The Department shall, at the request of any person, furnish him with a copy of the draft order on payment of such charge as the Department thinks reasonable.

5. The Department may make the order in the terms of the draft or in those terms as altered in such manner as it thinks fit; but where the Department proposes to make any significant alteration and considers that any persons are liable to be adversely affected by it, the Department shall give and publish such additional notices as appear to the Department to be necessary for informing those persons of the effect of the alterations.

6.—(1) If before the end of the period of 28 days referred to in paragraph 1, or of 25 days from the publication in the Belfast Gazette of the notice under paragraph 3, or of any period specified in notices under paragraph 5, notice in writing of an objection is received by the Department from any person on whom a notice is served under this Schedule, or from any other person appearing to the Department to be affected by the order as prepared in draft or as proposed to be altered, and the objection is not met or withdrawn, the Department, before making the order shall, unless it is satisfied that the objections are solely of a frivolous or vexatious nature or relate solely to the amount of compensation, cause an inquiry to be held by the Appeals Commission and consider the report on that inquiry.

(2) Sub-paragraphs (2) and (3) of paragraph 3 of Schedule 1 apply in relation to an inquiry under this paragraph as they apply in relation to an inquiry under sub-paragraph (1) of that paragraph.

Status: Point in time view as at 01/01/2024.

Changes to legislation: There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, SCHEDULE 2. (See end of Document for details)

7.—(1) If the value of any estate in land to which this sub-paragraph applies is depreciated by the coming into operation of the order or anything done in pursuance of it, the person entitled to that estate shall be entitled to compensation from the Department of an amount equal to the amount of the depreciation.

(2) Sub-paragraph (1) applies to any estate in any land in respect of which compulsory powers are exercisable by virtue of the order, and to any estate in any land which, on the date on which the order comes into operation, is held with any of that land.

(3) Where the person entitled to an estate in land to which sub-paragraph (1) applies sustains loss or damage which—

- (a) is attributable to the coming into operation of the order or anything done in pursuance of it; and
- (b) does not consist of depreciation of the value of his estate; and
- (c) is loss or damage for which, if his estate in the land in respect of which compulsory powers are exercised by virtue of the order had been vested under Article 24 in pursuance of a vesting order made before the date on which the order comes into operation, he would have been entitled to compensation by way of compensation for disturbance;

he shall be entitled to compensation from the Department in respect of that loss or damage, in addition to compensation under sub-paragraph (1).

(4) A person who suffers damage (other than the depreciation of an estate in land) which is attributable to the operation of the order or anything done in pursuance of it shall be entitled to recover compensation from the Department in respect of the damage.

(5) [^{F1}Sections 31 and 33(1)] of the Land Development Values (Compensation) Act (Northern Ireland) 1965 shall have effect in relation to compensation payable by virtue of this paragraph as they have effect in relation to Part III compensation within the meaning of that Act or for the purposes of Part III of that Act, subject to the modification that for any reference to a compensatable estate there shall be substituted a reference to any estate in land.

F1 2001 c. 2 (NI)

Status:

Point in time view as at 01/01/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, SCHEDULE 2.