

2. The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these regulations in like manner as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

3. The minimum charge which a person shall be liable to pay for accommodation provided by or on behalf of a Welfare Authority, for the purposes of sub-section (3) of section five of the Welfare Services Act (Northern Ireland), 1949, shall be twenty-one shillings per week.

4. Where accommodation is provided for a child accompanied by a person over the age of sixteen, the minimum charge which that person shall be liable to pay for the accommodation of that child shall be such one of the following sums as is appropriate :—

- (a) in respect of a child under five years of age, the sum of seven shillings and sixpence per week ;
- (b) in respect of a child aged five years or over but less than eleven years, the sum of nine shillings per week ;
- (c) in respect of a child aged eleven years or over but less than sixteen years, the sum of ten shillings and sixpence per week.

5. These regulations shall come into operation on the first day of June, 1949.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this seventh day of May, One thousand nine hundred and forty-nine in the presence of

(L.S.)

J. E. Pittaway,

Assistant Secretary.

ROADS

*Compulsory Acquisition of
Land, p 362*

Trunk Roads :

Delegation of Powers, p 370

Designation of Routes, p 376

Compulsory Acquisition of Land

REGULATIONS DATED 28TH APRIL, 1949, MADE BY THE MINISTRY OF
COMMERCE UNDER THE ROADS ACT (NORTHERN IRELAND), 1948.

1949. No. 71

The Ministry of Commerce (hereinafter referred to as 'the Ministry') in pursuance of the powers vested in it by the Roads Act (Northern Ireland), 1948, (hereinafter referred to as 'the Act') and of all other powers enabling it in that behalf, hereby makes the following regulations :—

1.—(1) These Regulations may* be cited as the Road Authorities (Compulsory Acquisition of Land) Regulations (Northern Ireland), 1949.

(2) These Regulations shall come into operation on the 30th day of April, 1949.

(3) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2. An application by a local authority in their capacity as a road authority for a vesting order in pursuance of the provisions of section thirty-four of the Act shall be in the Form No. 1 in the Schedule hereto or as near thereto as possible, and shall be accompanied by a map or plan in duplicate, drawn on linen or parchment, indicating clearly the lands proposed to be acquired.

3.—(1) Notice of the application to be given in pursuance of the provisions of paragraph 2 of the Fifth Schedule to the Act shall be in the Form No. 2 in the Schedule hereto or as near thereto as possible.

(2) Such notice as aforesaid—

(a) shall state clearly the nature of the proposal and shall specify the lands to which the application relates ;

(b) shall state the time within which objections to the application may be presented to the Ministry ;

(c) shall be served on every person appearing to the local authority to have an interest in the lands ;

(d) shall be given to the planning authority for the area to which the application relates ;

(e) shall be published once at least in each of two successive weeks in one or more than one newspaper circulating in the locality in which the lands are situate ;

and to every notice served on any person appearing to the local authority to have an interest in the lands or given to the planning authority there shall be attached a map or plan sufficient to enable the said person or authority to identify the lands proposed to be acquired.

(3) Where the lands are subject to any annuity under the Land Purchase Acts notice of the application shall be given to the Ministry of Finance, and shall have attached thereto a recently certified copy of the relevant Land Registry Map showing thereon in distinct colour the portion of the holding proposed to be acquired.

(4) As soon as notice of the application has been published and given in accordance with the foregoing provisions of this Regulation a Statutory Declaration in the Form No. 3 in the Schedule hereto or as near thereto as possible shall be sent by the local authority to the Ministry, and shall be accompanied by the exhibits referred to in the said Declaration.

4. Notice of the vesting order^s having become operative shall be given to the Ministry of Finance within fourteen days from the date of such order becoming operative.

5. The notice to be given to the Ministry of Finance in pursuance of the provisions of paragraph 9(2) of the Fifth Schedule to the Act shall be in the Form No. 4 in the Schedule hereto and shall contain the particulars by the said notice required.

6.—(1) The maps to be made out in pursuance of the provisions of paragraph 10 of the Fifth Schedule to the Act shall be upon such scale and be framed in such manner as is hereinafter set forth, that is to say :—

- (a) the maps shall be upon a scale of not less than one inch to every two hundred and twenty feet, and unless the whole of such maps shall be upon a scale of not less than one inch to every hundred feet an enlarged plan shall be added of any building, yard or garden upon a scale of not less than one inch to every hundred feet ;
- (b) each field, enclosure, road, passage, house or building to which the vesting order relates, whether wholly or in part, shall be clearly shown on the maps, with the fences of the land abutting thereon accurately indicated, and with the areas acquired marked in acres, roods and perches, statute measure, and clearly defined by boundaries ;
- (c) each separate parcel of land or property of any kind shall be indicated and marked on the maps by a distinctive number corresponding to a number assigned to such property in the schedule of the scheduled lands ;
- (d) the maps shall show the names of the townlands, electoral divisions, county districts and counties in which the scheduled lands are situate, and all townland boundaries so far as they intersect or closely adjoin the scheduled lands ;
- (e) the scale of each map shall be clearly marked thereon and the points of the compass and a portion of any closely adjoining street or road shown, with the name thereof, or with words indicating the towns or villages to or from which the street or road leads.

(2) The schedules to be made out in pursuance of the aforesaid provisions of paragraph 10 of the Fifth Schedule to the Act of the lands therein called the " scheduled lands " shall be in the Form No. 5 in the Schedule hereto or as near thereto as possible and shall contain full particulars of the scheduled lands and therein each separate parcel of land or property of any kind shall be assigned a distinctive number corresponding to the number to be indicated and marked on the maps in accordance with the foregoing provisions of this Regulation.

7. The receipt to be given to the authority for the compensation paid by them shall be in the Form No. 6 in the Schedule hereto with such modifications as the nature of the case may require.

8. The Statutory Declaration to be made by a person to whom the compensation payable does not exceed the sum of one hundred pounds in pursuance of the provisions of paragraph 18(1) of the Fifth Schedule to the Act shall be in the Form No. 7 in the Schedule hereto with such modifications as the nature of the case may require.

Sealed with the official Seal of the Ministry of Commerce for Northern Ireland this twenty-eighth day of April, 1949, in the presence of

(L.S.)

Arthur Acheson Farrell

Assistant Secretary.

SCHEDULE

FORM No. 1

THE ROADS ACT (NORTHERN IRELAND), 1948

COUNTY OF

(URBAN DISTRICT OF

)

APPLICATION FOR VESTING ORDER

The Council of the Administrative County of (Urban District of) acting in their capacity as a road authority, in pursuance of the provisions of section thirty-four of the Roads Act (Northern Ireland), 1948, hereby apply to the Ministry of Commerce for an Order vesting the lands (easements or rights) described in the Schedule hereto in the said Council in accordance with and subject to the provisions of the Fifth Schedule to the said Act.

The said Council desire to acquire the said lands (easements or rights) otherwise than by agreement for the following purposes*

(* The reasons for the acquisition should be set forth fully here.)

Dated this day of 19

.....Chairman of the Council.

.....Secretary (Clerk).

(Seal)

SCHEDULE ABOVE REFERRED TO

DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County	Barony or Town and Parish	Town-land	Area A. R. P.	Names and addresses of persons appearing to have interests in the lands	Reference to lands on attached map and Folio No. (if any)	Nature of Estate or Interest to be acquired.

FORM No. 2

THE ROADS ACT (NORTHERN IRELAND), 1948

COUNTY OF (URBAN DISTRICT OF)

NOTICE

To persons appearing to the Local Authority to have interests in the lands and to the Planning Authority for the area to which the application relates, of application for an Order vesting lands in the Authority for the purposes of their functions as a road authority.

Take notice that the Council of the Administrative County of (Urban District of) acting in their capacity as a road authority, in pursuance of the provisions of section thirty-four of the Roads Act (Northern Ireland), 1948, have applied to the Ministry of Commerce for Northern Ireland for an Order vesting the lands (easements or rights) described in the Schedule hereto in the said Council in accordance with and subject to the provisions of the Fifth Schedule to the said Act.

The said Council desire to acquire the said lands (easements or rights) otherwise than by agreement for the purposes of their functions as a road authority.

And further take notice that persons desiring to object to the said application may, before the * day of 19 send to the Ministry of Commerce for Northern Ireland Belfast, a statement in writing of their objection setting out the grounds thereof.

A copy of the map referred to in the Schedule hereto is attached. (The map referred to in the Schedule hereto may be inspected at the office of the Secretary (Clerk) to the Council at all reasonable hours†).

Dated this day of 19

Secretary (Clerk) to the Council.

SCHEDULE ABOVE REFERRED TO

DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County	Barony or Town and Parish	Town-land	Area A. R. P.	Names and addresses of persons appearing to have interests in the lands	Reference to lands on attached map and Folio No. (if any)	Nature of Estate or Interest to be acquired.

(Name and address of Solicitor).....

*Here insert the day one calendar month after the day on which the notice is to be last published.

†Substitute this sentence in the case of advertisement.

Compulsory Acquisition of Land

367

FORM No. 3

THE ROADS ACT (NORTHERN IRELAND), 1948

COUNTY OF _____ (URBAN DISTRICT OF _____)

STATUTORY DECLARATION BY SECRETARY OR CLERK

I, _____ Secretary to the Council of the Administrative
County of _____ (Clerk of the Council of the Urban District
of _____) do solemnly and sincerely declare as follows :—

1. Application for an Order vesting the lands (easements or rights) described in the Schedule hereto in the said Council in accordance with and subject to the provisions of the Fifth Schedule to the Roads Act (Northern Ireland), 1948 was on the _____ day of _____ 19____, made to the Ministry of Commerce in pursuance of section thirty-four of the said Act.

2. Notice of the said application was, in accordance with the said Act and the Regulations made thereunder, duly published in each of two successive weeks in the following newspaper(s) circulating in the locality in which the lands proposed to be acquired are situate, namely :—

Name(s) of Newspaper(s)	Date of Publication

I beg to refer to copies of the said newspaper(s) on which marked " A " and " B " I have endorsed my name previous to making the Declaration.

3. Notice of the said application was, in accordance with the said Act and Regulations made thereunder, duly given to the persons appearing to the Council to have interests in the said lands and to the planning authority for the area to which the application relates (and to the Ministry of Finance) in manner following, that is to say :—

Names of Persons served	Method of Service*	Date of Service

I beg to refer to a copy of the said Notice on which marked " C " I have endorsed my name previous to making this Declaration.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835.

Declared and subscribed before me at _____ in the County
of _____ this _____ day of _____ 19____

* Where the notices were served by registered post, the receipts for the posting should also be made exhibits to the Declaration. Where the notices were served otherwise than by registered post an affidavit of service should accompany the Declaration.

SCHEDULE ABOVE REFERRED TO
DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County	Barony or Town and Parish	Town-land	Area A. R. P.	Names and addresses of persons appearing to have interests in the lands	Reference to lands on attached map and Folio No. (if any)	Nature of Estate or Interest to be acquired.

FORM No. 4

THE ROADS ACT (NORTHERN IRELAND), 1948

NOTICE OF AGREEMENT FOR COMPENSATION

To : The Secretary,
Ministry of Finance,
Stormont,
Belfast.

Sir,

Please take Notice that the County Urban District } Council of
propose to enter into an agreement with
for the payment of compensation to him in respect of his interest in the lands set out in the First Column of Schedule hereto in the terms mentioned in the Second Column of said Schedule.

Description of Lands, Easements or Rights proposed to be acquired	Terms of agreement proposed to be entered into
Folio No.....	Compensation payable exclusive of redemption of apportioned Land Purchase Annuity
Collection No.....
Registered Owner	Proposals (if any) for apportionment and redemption of apportioned Land Purchase Annuity
Townland(s).....

Dated this

day of

19

Secretary to the County }
(Clerk of the Urban District) } Council.

Compulsory Acquisition of Land

369

FORM No. 5

THE ROADS ACT (NORTHERN IRELAND), 1948

Schedule of lands to which a vesting order relates and lands claimed to be injuriously affected by the works proposed to be carried out.

County	Barony or Town and Parish	Town-land	Area A. R. P.	Reference Number of Land or Property as indicated on attached map.	Names and addresses of owners or reputed owners, lessees or reputed lessees, and occupiers.	Nature of Estate or Interest.

Dated this _____ day of _____ 19 _____
 _____ Secretary (Clerk).

FORM No. 6

THE ROADS ACT (NORTHERN IRELAND), 1948

RECEIPTS FOR COMPENSATION

We, the persons whose names and addresses are set forth in the First Column of the Schedule hereto do hereby each acknowledge that we have respectively received from the Council of the Administrative County of _____ (Urban District of _____) the sum set forth in the Second Column of the said Schedule opposite to each of our respective names as the compensation payable to us in respect of all our estate, right, title, interest or claims in and to All That and Those that parcel of land in the Townland of _____ (Town of _____ and Parish of _____) Barony of _____ and County of _____ containing _____ acres _____ rods and _____ perches statute measure or thereabouts vested (or rights or easements over which were vested) in the said Council by a Vesting Order made by the Ministry of Commerce on the _____ day of _____ 19 _____ in accordance with and subject to the provisions of the Fifth Schedule to the Roads Act (Northern Ireland), 1948.

Schedule above referred to.

(1) Name and address of person to whom compensation is paid	(2) Amount of Compensation paid	(3) Nature of Estate or Interest

Dated the _____ day of _____ 19 _____
 Signed by the said _____ in the presence of _____

FORM No. 7

THE ROADS ACT (NORTHERN IRELAND), 1948

STATUTORY DECLARATION BY PERSON CLAIMING COMPENSATION
NOT EXCEEDING ONE HUNDRED POUNDS

I, _____ of _____ aged _____ years
and upwards do solemnly and sincerely declare as follows :—

(a) Date of vesting.

1. I was on and prior to the (a) _____ day of _____ 19 _____ the absolute owner (or (b) _____) of All That and Those that parcel of land in the Townland of _____, Barony _____ of _____ (Town of _____ Parish _____ of _____) and County of _____ containing _____ acres _____ roods and _____ perches statute measure or thereabouts which was vested (or rights or easements over which were vested) in the Council of the Administrative County of _____ (Urban District of _____) on the said (a) _____ day of _____ 19 _____, by a Vesting Order made by the Ministry of Commerce on the _____ day of _____ 19 _____, in accordance with and subject to the provisions of the Fifth Schedule to the Roads Act (Northern Ireland), 1948, and in respect of which parcel of land I claim the sum of _____ as compensation (to be paid to the trustees of the settlement under which I hold as such limited owner).

(b) In the case of a limited owner set out the nature of the interest.

2. My title to the said parcel of land as such absolute owner (limited owner) was as follows :—

(Here set out the title in separate paragraphs. In the case of a limited owner the names and addresses of the trustees of the settlement should be given to enable payment of the compensation to be made to them).

3. For not less than six years prior to the vesting of the said parcel of land in the said Council I was (and I verily believe my immediate predecessor in title was) in actual occupation and in full free and undisturbed possession and enjoyment and receipt of the rents and profits of the said parcel of land and no claim has been made by, or acknowledgement given to, any person in respect of the said lands or the rents or profits thereof save as herein set forth.

4. Save as herein set forth, there was not at the time of the vesting of the said parcel of land in the said Council any charge or incumbrance affecting the same.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared and Subscribed before me at _____ in
the County of _____ this _____ day of _____ 19 _____

Trunk Roads

ORDER DATED 23RD FEBRUARY, 1949, MADE BY THE MINISTRY OF
COMMERCE UNDER SECTION 6 OF THE ROADS ACT (NORTHERN
IRELAND), 1948.

1949. No. 32

The Ministry of Commerce for Northern Ireland (hereinafter referred to as "the Ministry") in exercise of the powers conferred on it by sub-section (4) of section 6 of the Roads Act (Northern Ireland), 1948 (hereinafter referred to as "the Act"), and of all other powers enabling it in that behalf hereby makes the following Order :—