

1963. No. 200

[C]

EDUCATION

Compulsory Acquisition of Land

REGULATIONS, DATED 31ST OCTOBER, 1963, MADE BY THE MINISTRY OF EDUCATION UNDER THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934, AS APPLIED BY THE EDUCATION ACT (NORTHERN IRELAND) 1947.

The Ministry of Education, in exercise of the powers conferred on it by the Local Government Act (Northern Ireland) 1934(a), as applied by section 95 of, and the Fifth Schedule to, the Education Act (Northern Ireland) 1947(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Local Education Authorities (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1963, and shall come into operation on 1st December, 1963.

2. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

- (a) "the Act" means the Local Government Act (Northern Ireland) 1934;
- (b) "the Education Act" means the Education Act (Northern Ireland) 1947;
- (c) "the Ministry" means the Ministry of Education.

3. An application for a vesting order in pursuance of the provisions of section 95 of the Education Act shall be in the Form No. 1 in the Schedule and shall be accompanied by a map or plan in duplicate drawn on parchment or linen, together with a copy of the map or plan on paper, indicating clearly the lands, easements or rights proposed to be acquired.

4.—(1) Notice of the application in the Form No. 2 in the Schedule shall be published once at least in each of two successive weeks in one or more of the newspapers circulating in the locality in which the lands, easements or rights proposed to be acquired are situate:

Provided that where a substantial number of interests are involved the schedule to Form No. 2 may be varied so as to include a general description only of the lands, easements or rights.

(2) Notice of the application in the Form No. 3 in the Schedule shall be given to the persons appearing to the local authority to have interests in the said lands, easements or rights:

Provided that—

- (i) where a substantial number of interests are involved the schedule to Form No. 3 may be varied so as to include a general description only of the lands, easements or rights; and

(ii) if any of the persons to whom notice is required to be given should be absent from or resides outside the United Kingdom, or cannot be found, the notice may be left with the occupier of the lands or affixed on some conspicuous part of the lands proposed to be acquired.

5. A Statutory Declaration as to publication and service of notices shall be made by the Town Clerk or Secretary or Solicitor of the local education authority in the Form No. 4 in the Schedule and sent to the Ministry.

6. Notice of the making of a vesting order which is required to be given in pursuance of the provisions of section 22(2)(a) of the Act shall be in the Form No. 5 in the Schedule:

Provided that where a substantial number of interests are involved the schedule to Form No. 5 may be varied so as to include a general description only of the lands, easements or rights.

7. Notice of a vesting order becoming operative which may be given under section 22(2)(d) of the Act shall be in the Form No. 6 in the Schedule.

8. Notice of a vesting order becoming operative shall be given to the Ministry and to the Ministry of Finance within fourteen days from the date of such order becoming operative.

9. The receipt to be given to the local authority for the compensation paid by them shall be in the Form No. 7 in the Schedule.

10. The statutory declaration to be made by a person to whom the compensation payable does not exceed the sum of £100 shall be in the Form No. 8 in the Schedule.

11. The notice to be given to the Ministry of Finance in pursuance of the provisions of Article 10(2) of the Second Schedule to the Act shall be in the Form No. 9 in the Schedule. For the purposes of that Article the prescribed period shall be fourteen days from the receipt of such notice.

12. The Local Education Authorities (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1948(a) are hereby revoked.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 31st day of October, 1963.

(L.S.)

J. M. Benn,
Assistant Secretary.

SCHEDULE

(To be sent to Ministry)

FORM No. 1

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Application for Vesting Order

The [Name of local education authority] in pursuance of the provisions of the above Acts, hereby apply to the Ministry of Education for an Order vesting the lands, easements or rights described in the Schedule in the said Authority in accordance with and subject to the provisions of the above Acts.

The said Authority desire to acquire the said lands, easements or rights otherwise than by agreement for the following purposes*—

Dated this day of 19 .

..... Lord Mayor/Mayor/Chairman.

..... Town Clerk/Secretary.

[Seal]

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

SCHEDULE

DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County of

Barony of Town of Parish of

Townland or Street 1	Area A. R. P. 2	Names and Addresses of persons appearing to have interests 3	Nature of estate or interest of persons in col. 3 4	Reference to lands on attached map and folio no. (if any) 5	Nature of estate or interest to be acquired 6

FORM No. 2

(For newspaper publication)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Notice of Application for Vesting Order

NOTICE IS HEREBY GIVEN that the [Name of local education authority] in pursuance of the provisions of the above Acts have applied to the Ministry of Education for an Order vesting the lands, easements or rights described in the Schedule in the said Authority in accordance with and subject to the provisions of the above Acts.

The said Authority 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 here.

All objections to the application from persons interested in the lands, easements or rights specified in the application must be presented in writing to the Secretary, Ministry of Education, Dundonald House, Belfast, 4, on or before the day of 19....

A copy of the application and a map showing the lands proposed to be acquired may be seen during usual office hours at

..... Town Clerk/Secretary.

SCHEDULE†

DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County of

Barony of Town of Parish of

Townland or Street	Area			Names and Addresses of persons appearing to have interests	Nature of estate or interest of persons in col. 3	Reference to lands on map and folio no. (if any)	Nature of estate or interest to be acquired
	A.	R.	P.				
1	2			3	4	5	6

†Note: Where a substantial number of interests are involved the Schedule to this form may be varied so as to include a general description only of the lands, easements or rights—see Reg. 4.

FORM No. 3

(To be sent to interested persons)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Notice of Application for Vesting Order

To of

TAKE NOTICE that the [Name of local education authority] have applied to the Ministry of Education for an Order vesting the lands, easements or rights described in the Schedule in the said Authority in accordance with and subject to the provisions of the above Acts.

The said Authority 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 here.

The portion in which you appear to have an interest is shown distinctly on the attached map (or plan).

AND FURTHER TAKE NOTICE that all objections to the said application from persons interested in the lands, easements or rights specified in the application must be presented (in writing) to the Secretary, Ministry of Education, Dundonald House, Belfast, 4, on or before the day of 19....

A copy of the application and a map showing the lands proposed to be acquired may be seen during usual office hours at

Dated the day of 19....

..... Town Clerk/Secretary.

SCHEDULE†

DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County of

Barony of Town of Parish of

Townland or Street	Area A. R. P.	Names and Addresses of persons appearing to have interests	Nature of estate or interest of persons in col. 3	Reference to lands on map and folio no. (if any)	Nature of estate or interest to be acquired
1	2	3	4	5	6

†Note: Where a substantial number of interests are involved the Schedule to this form may be varied so as to include a general description only of the lands, easements or rights—see Reg. 4.

FORM No. 4

(To be sent to Ministry)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Statutory Declaration

I, Town Clerk/Secretary/Solicitor of the [Name of local education authority] do solemnly and sincerely declare as follows:—

1. Notice of application dated for a vesting order was, in accordance with the Education Act (Northern Ireland) 1947, 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, easements or rights 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 this Declaration.

2. Notice of the said application was, in accordance with the said Act and the Regulations made thereunder, duly given to the persons appearing to have interests in the said lands, easements or rights 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 Declarations Act 1835.

Declared and Subscribed before me at this day of 19 .

*Note: Where the notices are served by registered post or recorded delivery the receipts for posting should also be made exhibits to the Declaration.

FORM No. 5

(For newspaper publication and for objectors appearing at the Inquiry)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Notice of Making of Vesting Order

NOTICE IS HEREBY GIVEN that the Ministry of Education, acting in pursuance of the provisions of the above Acts, made on the day of 19.... an Order vesting the lands, easements or rights described in the Schedule in the [Name of local education authority] free from all charges or incumbrances whatever in accordance with and subject to the provisions of the Act.

A copy of the Vesting Order and of the map (or plan) referred to therein may be seen during usual office hours at

Dated this day of 19....

..... Town Clerk/Secretary.

SCHEDULE*

DESCRIPTION OF LANDS, EASEMENTS OR RIGHTS

County of

Barony of Town of Parish of

Townland or Street	Area		Names and Addresses of persons appearing to have interests	Nature of estate or interest of persons in col. 3	Reference to lands on map and folio no. (if any)	Nature of estate or interest to be acquired
	A.	R. P.				
1	2		3	4	5	6

*Note: Where a substantial number of interests are involved the Schedule to this form may be varied so as to include a general description only of the lands, easements or rights—see Reg. 4.

FORM No. 6

(To be sent to interested persons)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Notice that a Vesting Order has become operative

To of

TAKE NOTICE that the vesting order in respect of which notice of application was served on you on was made on and has become operative.

A copy of the vesting order and of any map or plan referred to therein may be seen during usual office hours at and may be obtained free of charge upon written request made by or on behalf of any person having an estate or interest in the lands vested thereby.

Dated this day of 19.....

..... Town Clerk/Secretary.

FORM No. 7

(To be retained by local authority)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Receipt for Compensation

We, the persons whose names and addresses are set forth in the First Column of the Schedule do hereby each acknowledge that we have respectively received from the [Name of local education authority] the sum set forth in the Second Column of the 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 _____ roods and _____ perches statute measure or thereabouts vested (or rights or easements over which were vested) in the said [Name of local education authority] by a Vesting Order made by the Ministry of Education on the _____ day of _____ 19 _____, in accordance with and subject to the provisions of the above Acts.

SCHEDULE

(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. 8

(To be retained by local authority)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

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.

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

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 [Name of local education authority] on the said (a) _____ day of _____ 19 _____, by a Vesting Order made by the Ministry of Education on the _____ day of _____, 19 _____, in accordance with and subject to the provisions of the above Acts 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).

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 [Name of local education authority] 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 acknowledgment 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 [Name of local education authority] 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_____.

FORM No. 9

(To be sent to Ministry of Finance)

EDUCATION ACT (NORTHERN IRELAND) 1947

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of local education authority]

Notice of Agreement for Compensation

To—The Secretary,
Ministry of Finance,
Stormont,
Belfast, 4.

Sir,
Please take Notice that the [Name of local education authority] 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 the Schedule in the terms mentioned in the second column of said Schedule.

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)

..... Town Clerk/Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revise the regulations dealing with compulsory acquisition of land by local education authorities made under section 95 of the Education Act (Northern Ireland) 1947.