

1965. No. 285

[C]

## PLANNING

## Land Development Values (Compensation)

REGULATIONS, DATED 31ST DECEMBER, 1965, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 20, 23, 24, 26, 28, 29 AND 41 OF THE LAND DEVELOPMENT VALUES (COMPENSATION) ACT (NORTHERN IRELAND) 1965.

The Ministry of Development, in exercise of the powers conferred upon it by sections 20, 23, 24, 26, 28, 29 and 41 of the Land Development Values (Compensation) Act (Northern Ireland) 1965(a), hereby makes the following regulations:—

## PART I

## GENERAL

*Citation*

1. These Regulations may be cited as the Land Development Values (Compensation) Regulations (Northern Ireland) 1965.

*Interpretation*

2. In these Regulations:—

“the Act” means the Land Development Values (Compensation) Act (Northern Ireland) 1965;

“the claimant” means the person by or on whose behalf a claim for compensation under Part II or Part III of the Act is made.

## PART II

## CLAIMS FOR COMPENSATION UNDER PART II OR PART III OF THE ACT

*Form and Delivery of Claim and Supporting Material*

3.—(1) A claim for compensation under Part II or Part III of the Act shall be made on a form to be issued by the Ministry and such form may require any information in relation to the following matters which in the opinion of the Ministry is material for the purposes of determining the claim:—

- (a) the compensatable estate to which the claim relates and the land in which such estate subsists together with such a description and with such a map or plan of suitable size as may be necessary to identify that land;
- (b) the name and address of the claimant and the nature of his estate in the land;
- (c) any other estate subsisting in the land of which the claimant is aware;
- (d) the planning decision in respect of which the claim is made and any other planning decision affecting the land;
- (e) any mortgage, rentcharge or fee farm rent secured against the claimant's estate and the person entitled thereto;

- (f) any restrictive covenants, easements or other rights or liabilities (including statutory rights and liabilities) affecting the claimant's estate in the land;
- (g) any claim for compensation under the Act or the Act of 1944 of which the claimant is aware;
- (h) the state and user of the land;
- (i) any buildings destroyed or demolished within the period of five years before the claim arose, or as a result of war damage;
- (j) the amount claimed as representing the depreciation in value of the compensatable estate to which the claim relates;
- (k) where a claim arises out of the revocation or modification of a planning permission—
  - (i) expenditure incurred in carrying out work which has been rendered abortive by such revocation or modification;
  - (ii) loss or damage directly attributable to such revocation or modification.

(2) If the Ministry shall require information with respect to the matters specified in paragraph (1) additional to that furnished on a form issued pursuant to paragraph (1), the claimant shall furnish such additional information as the Ministry may by notice in writing require.

(3) The Ministry may require any information to be verified by the production of documents or by a Statutory Declaration or otherwise.

#### *Determination of Compensation*

4. Regulations 5 and 6 shall apply in relation to claims made under Part II of the Act.

5.—(1) The Ministry shall make such investigations and shall take such steps, including negotiations with the claimant, as it may deem necessary for a proper determination of the claim.

(2) As soon as practicable thereafter the Ministry shall prepare findings as to the amount (if any) which it determines as the amount of compensation payable on the said claim, and

- (a) in a case where it determines that no compensation is so payable, the findings shall state such determination and the reason therefor;
- (b) the findings shall state the depreciation in value of the compensatable estate to which the claim relates and the amount of the balance of development value by reference to which the Ministry determines the amount of the compensation payable on the said claim.

(3) Where the claimant has failed to furnish any evidence or information required by the Ministry under regulation 3 the Ministry may defer the determination of the claim until after such evidence or information has been duly furnished or, if it at any time thinks fit, may determine the claim notwithstanding such failure.

(4) The Ministry shall give notice of its findings to the claimant and to any other person who has made and not withdrawn a claim for compensation in respect of the same planning decision and, in any case where the findings include an apportionment, the Ministry shall give particulars of such apportionment to any other person entitled to an estate in land appearing to the Ministry to be an estate substantially affected by the apportionment.

*Disputes*

6.—(1) Subject to the provisions of paragraph (2)—

- (a) if the claimant or any other person to whom notice of the Ministry's findings has been given wishes to dispute the findings; or
- (b) if any other person to whom particulars of an apportionment included in those findings have been given, or who claims that he is entitled to an estate in land which is substantially affected by such apportionment, wishes to dispute the apportionment,

he may within three months of the date of the said notice refer the matter to the Lands Tribunal and upon such reference the Ministry shall notify all other persons to whom notice was given under regulation 5.

(2) Where any person signifies in writing to the Ministry his agreement to the findings or, as the case may be, to the apportionment, he shall not thereafter be entitled to refer the matter to the Lands Tribunal.

(3) Subject to section 23(3) of the Act, the Lands Tribunal shall by its decision either confirm or vary the Ministry's findings, or, as the case may be, the apportionment and shall notify the parties of its decision.

(4) Where a dispute is not referred to the Lands Tribunal within the time specified in paragraph (1) or where all references relating to such findings are withdrawn, then the findings shall be treated as conclusive.

## PART III

## APPROPRIATE AMOUNT FOR PURPOSES OF SECTION 28

*Determination*

7.—(1) Where the Ministry proposes to determine an appropriate amount under section 28 of the Act it shall prepare a statement showing the amount and the manner in which it has been ascertained and shall send a copy thereof to any person entitled to an estate which appears to the Ministry to be substantially affected.

(2) Any person to whom a copy of the statement has been sent may within three months of the date thereof give notice in writing to the Ministry that he objects to the proposal and shall specify whether his objection is made on the ground either:—

- (a) that compensation would not have been payable under Part II of the Act; or
  - (b) that the amount of the compensation payable under that Part would have been less than the proposed appropriate amount;
- and the Ministry shall consider such objection.

(3) As soon as may be after giving effect to the preceding provisions the Ministry shall determine the appropriate amount (if any) and shall serve notice thereof in writing upon every person to whom a copy of the said statement was sent.

*Disputes*

8.—(1) Any person served with notice under regulation 7(3) may dispute the determination of the Ministry by referring the matter to the Lands Tribunal within three months of service of the said notice and upon such reference the Ministry shall notify all other persons on whom such notice was served.

(2) All persons to whom notice has been given under paragraph (1) shall be entitled to be heard in the dispute.

PART IV

9. A notice of payment of compensation under Part II of the Act shall be in the form set out in the Schedule.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 31st day of December, 1965.

(L.S.)

C. D. Hoey,  
Assistant Secretary.

SCHEDULE

MINISTRY OF DEVELOPMENT

LAND DEVELOPMENT VALUES (COMPENSATION) ACT (NORTHERN IRELAND) 1965

Notice of Compensation Payment

To .....

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1. In accordance with the provisions of section 24 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 you are hereby given Notice that compensation of the amount shown below has become payable in respect of the lands described in Part I of the Schedule:—
2. The compensation has been apportioned between different parts of the land as set out in Part II of the Schedule.
3. No relevant development (as defined by section 24(14) of the Act) shall be initiated on or in the said lands until such amount if any of the compensation as is repayable under section 24 of the Act has been paid or secured to the Ministry under that section.

Date .....

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Assistant Secretary,  
Ministry of Development.

SCHEDULE

PART I

[Descriptions of lands]

PART II

[Particulars of Apportionment]

## EXPLANATORY NOTE

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

Part II of these Regulations relates to the making of claims for compensation where an application for planning permission has been refused or granted subject to conditions, or where a planning permission has been revoked or modified and lays down the manner in which claims are to be made and supported by evidence or information. It further provides for the manner in which claims under Part II of the Act are to be settled, including the reference of disputes to the Lands Tribunal.

Part III sets out the procedure to be adopted when the Ministry proposes to invoke section 28. This section empowers the Ministry to determine how much of any compensation payable under section 26 on the revocation or modification of a grant of planning permission would have been payable under Part II of the Act if the same decision had been arrived at by means of a planning refusal or conditional permission. Any disputes are referable to the Lands Tribunal.

Part IV prescribes the form of Notice to be served on persons to whom compensation exceeding £50 has become payable. The Notice is registrable on the Statutory Charges Register by virtue of section 24 of the Act.

1965. No. 286

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## ROAD TRAFFIC

## Speed Limits

ORDER\*, DATED 20TH DECEMBER, 1965, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 23(4) OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1955.

The Ministry of Home Affairs, in exercise of the powers conferred on it by Section 23(4) of the Road Traffic Act (Northern Ireland) 1955(a) (hereinafter referred to as "the Act"), and all other powers enabling it in that behalf, hereby orders and directs as follows:—

*Citation and Commencement*

1. This Order may be cited as the Roads (Speed Limit) (No. 5) Order (Northern Ireland) 1965 and shall come into operation on 10th February, 1966.

*Revocation of Previous Directions*

2. The directions contained in the Roads (Speed Limit) Order (Northern Ireland) 1956(b), relative to the lengths of road specified in the First Schedule to this Order, are hereby revoked.

(a) 1955. c. 27.

(b) S.R. & O. (N.I.) 1956, No. 124.

\*This Order was affirmed by Resolutions of the House of Commons on the 22nd day of February, 1966, and of the Senate on the 24th day of February, 1966.