

1966. No. 21

[C]

## LANDS TRIBUNAL

## Land Development Values Rules

RULES, DATED 24TH JANUARY, 1966, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 9 OF THE LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964.

The Ministry of Finance, after consultation with the President of the Lands Tribunal for Northern Ireland, in exercise of the powers conferred on it by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(a) and of all other powers enabling it in that behalf, hereby makes the following rules:—

*Citation and Commencement*

1. These rules may be cited as the Lands Tribunal (Land Development Values) Rules (Northern Ireland) 1966 and shall come into operation on 1st February, 1966.

*Interpretation*

2.—(1) In these rules,

“a Part I application” means an application to the Ministry of Development requiring it to ascertain the development value of land in accordance with Part I of the Land Development Values (Compensation) Act (Northern Ireland) 1965(b); “an applicant” shall be construed accordingly;

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

“compensatable estate” has the meaning assigned to that expression by section 43 of the Act;

“estate” has the meaning assigned to that expression by section 43 of the Act;

“the Ministry” means the Ministry of Development;

“the Tribunal” means the Lands Tribunal for Northern Ireland;

“the registrar” means the registrar for the time being of the Tribunal.

(2) “the prescribed form” means the form prescribed in Schedule 1.

*Notice of Reference**Under Part I of the Act*

3.—(1) A reference of a dispute arising under section 5 of the Act may be instituted by sending to the registrar a notice of reference in accordance with the prescribed form together with a copy of the opinion of the Ministry giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any person appearing to it to be entitled to make a Part I application in relation to the land which is the subject of the reference together with a copy of the opinion of the Ministry giving rise to the dispute and at the

(a) 1964, c. 29 (N.I.).

(b) 1965, c. 23 (N.I.).

same time it shall furnish the registrar with the names and addresses of such persons.

(2) A reference under regulation 5 of the Land Development Values (Ascertainment and Certificates) Regulations (Northern Ireland) 1965(a) in relation to a dispute as to the amount (if any) of a development value determined by the Ministry may be instituted by sending to the registrar a notice of reference in the prescribed form and within the time prescribed in the said regulation 5 together with a copy of the determination as confirmed or revised by the Ministry under regulation 4(4) of the said regulations. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send to the registrar a copy of the Part I application on which the disputed determination arises and shall forthwith send a copy of the notice of reference to any applicant who has been served with a notice of determination in respect of the land affected by the dispute. The Ministry shall at the same time furnish the registrar with the names and addresses of such persons.

#### *Under Part II of the Act*

(3) A reference under section 13(5) of the Act in relation to an objection to a proposal for the apportionment of development value may be instituted by sending to the registrar a notice of reference in the prescribed form within the time specified by the said section 13(5) together with a copy of the notice issued by the Ministry under section 13(4)(b) of the Act giving particulars of the proposed apportionment and a copy of the notice of objection served on it under section 13(4)(c) of the Act by the person making the reference. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person who was served with a copy of the said notice of apportionment giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

(4) A reference under regulation 6 of the Land Development Values (Compensation) Regulations (Northern Ireland) 1965(b) in relation to any findings or apportionment on a claim for compensation under Part II of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form within the time prescribed in the said regulation 6. There shall be sent with the reference a copy of the claim and of the Ministry's findings giving rise to the dispute, or, where the dispute relates to an apportionment, a copy of the particulars of the said apportionment. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person served with a notice of its findings and particulars of apportionment in respect of the claim giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

(5) A reference under section 24(16) of the Act against the refusal of the Ministry to issue a certificate under section 24(15) of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send to the registrar a copy of the relevant application made to the Ministry for a certificate under section 24(15) of the Act.

(a) S.R. & O. (N.I.) 1965, No. 284.

(b) S.R. & O. (N.I.) 1965, No. 285

*Under Part III of the Act*

(6) A reference under section 27(3) of the Act in relation to any dispute regarding an apportionment of compensation for depreciation payable under section 26 of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the apportionment of compensation giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person who was served with a notice of the said apportionment in accordance with section 27(1) of the Act and at the same time it shall furnish the registrar with the names and addresses of such persons.

(7) A reference under regulation 8 of the Land Development Values (Compensation) Regulations (Northern Ireland) 1965 in relation to a dispute regarding the determination of the appropriate amount under section 28 of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the notice of the proposed determination giving rise to the dispute and a copy of the notice of objection served on it by the person making the reference. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person who was served with a notice of its proposed determination and at the same time it shall furnish the registrar with the names and addresses of such persons.

(8) A reference under section 29(4) of the Act in relation to a dispute under section 29(3) of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

(9) A reference under section 31 of the Act in relation to any question of disputed compensation under Part III of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

*Under Part IV of the Act*

(10) A reference under any regulations made under section 32 of the Act in relation to a dispute as to the payment of compensation where a compensatable estate to be compensated is subject to a rentcharge or fee farm rent may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any order, notice, decision or determination giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person upon whom the said order, notice, decision or determination giving rise to the dispute was served, and at the same time it shall furnish the registrar with the names and addresses of such persons.

(11) A reference under section 37(5) of the Act in relation to a dispute arising under section 37(4) of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the decision or determination giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send to the registrar a copy of the relevant application under section 37(3) of the Act. The Ministry shall at the same time send a copy of the notice of reference to any other person who was served with a notice under section 37(1) of the Act in respect of the land to which the dispute relates, and shall furnish the registrar with the names and addresses of such persons.

(12) A reference under section 38(7) of the Act in relation to a dispute as to whether a person (not being a public body) entitled to a compensatable interest might reasonably carry out any relevant development may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person entitled to an estate in the land appearing to it to be substantially affected by the reference, and at the same time it shall furnish the registrar with the names and addresses of such persons.

(13) A reference under section 40(7) of the Act in relation to a dispute as to compensation for damage to land may be instituted by sending to the registrar a notice of reference in the prescribed form. A copy of the notice of reference shall at the same time be sent to the Ministry.

#### *Entry of Reference*

4. Upon receiving a notice of reference, the registrar shall enter particulars of the reference in the register of references under the Act and shall inform the Ministry and the person making the reference of the number of the reference entered in the register, which shall thereafter constitute the title to the proceedings.

#### *Disputes—Appearance by Interested Persons*

5. Any person who has been served with a copy of a notice of reference by the Ministry may, within 21 days after service of such copy, give written notice to the registrar of his intention to appear at the hearing stating—

- (a) the nature of his interest and the grounds on which he intends to rely;
- (b) whether he intends to appear separately or jointly; and
- (c) an address at which documents may be served upon him;

and shall thenceforward be a party to the reference.

The registrar shall, as soon as possible after receipt of a notice of intention to appear, serve on the Ministry and the person making the reference a copy of each such notice. The registrar shall at the same time supply all persons giving notice of intention to appear with a copy of any other notice of intention to appear and the title to the reference.

#### *Power to require further particulars*

6. The registrar may at any time after receiving a notice of reference require any party to the proceedings to furnish such additional particulars or information as may appear to him to be necessary.

#### *Procedure before the Tribunal*

7. Part VII of the Lands Tribunal Rules (Northern Ireland) 1964(a), except rules 29, 46(3), 54, 55, 59 and 60 shall apply with the following modifications:—

(a) S.R. & O. (N.I.) 1964, No. 201.

- (a) In rule 28(1) the words "or more than one notice of reference under the Land Development Values (Compensation) Act (Northern Ireland) 1965" shall be inserted after the words "Parts II, III or IV"; the words "or reference" shall be inserted after the word "appeal" where it appears secondly; and the words "or references" shall be inserted after the word "appeals";
- (b) In rule 28(2) the words "or under the Land Development Values (Compensation) Act (Northern Ireland) 1965" shall be inserted after the words "Part V or VI"; the words "or references" shall be inserted after the word "appeals";
- (c) In rule 32(1) the words "or under the Land Development Values (Compensation) Act (Northern Ireland) 1965" shall be inserted after the word "part" in line 4;
- (d) In rule 33 the words "or a reference under the Land Development Values (Compensation) Act (Northern Ireland) 1965" shall be inserted after "Part II or III"; the words ", notice of reference" shall be inserted after the word "appeal" where it appears secondly;
- (e) In rule 44 the words "or under the Land Development Values (Compensation) Act (Northern Ireland) 1965" shall be inserted after the words "Part VI".

#### *Service of Notices*

**8.** Any notice or other document required or authorised to be served on any person for the purpose of these rules shall be sent by registered post or recorded delivery. Any such notice or other document required or authorised to be served on the registrar or the Ministry may be sent or delivered by hand to the office for the time being of the Tribunal or the Land Values Branch of the Ministry respectively.

#### *Fees*

**9.** The fees specified in Schedule 2 shall be payable to the registrar in respect of the matters mentioned in the said Schedule, by means of stamps impressed on the notice of reference or (in the case of a hearing fee) on the order or award of the Tribunal. A document may be sent to the registrar for stamping if accompanied by a remittance in accordance with the directions contained in the said Schedule. The hearing fee shall unless the Tribunal otherwise directs be payable by the party by whom the proceedings were instituted (without prejudice to his right to recover the amount of the fee from any other party by virtue of any order as to costs) on receipt of notification from the registrar.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 24th day of January, 1966.

(L.S.)

*R. H. Kidd,*  
Assistant Secretary.

SCHEDULE 1

Rule 3

Notice of reference under the Land Development Values (Compensation) Act (Northern Ireland) 1965

To:— The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

Description of land to which this reference relates

Here state usual address

I/We of being (a) person(s) claiming to be entitled to make an application for development value of the said land under Part I of the Act

Strike out where not applicable

being (a) person(s) entitled to an estate in the above land

Strike out words not applicable

being (a) person(s) entitled to a compensatable estate in the above land hereby apply for the determination by the Lands Tribunal of the question of which particulars are set out below. I/We do/do not propose to call an expert witness to give evidence. All communications regarding this reference should be addressed to me/us at the address shown above or to my/our Solicitor of

A copy of this notice of reference has been sent to the Land Values Branch of the Ministry of Development.

Signed
Dated

PARTICULARS

Section of Act or Regulations under which the reference is founded
Nature of question to be determined

NOTES

References under Part I of the Act

- 1. A reference under rules 3(1) and 3(2) shall be accompanied by copies of the documents specified therein.
2. A reference under rule 3(2) must be made within 3 months from the date of the Ministry of Development's notification of its confirmed or revised determination under regulation 4(4) of the Land Development Values (Ascertainment and Certificates) Regulations (Northern Ireland) 1965.

References under Part II of the Act

- 3. A reference under rules 3(3)-(5) shall be accompanied by copies of the documents specified therein.
4. A reference under rule 3(3) must be made within 30 days after the expiration of the initial 30-day period allowed for objections to the notice of apportionment served under section 13(4)(b) of the Act.

References under Part III of the Act

- 5. A reference under rules 3(6)-(9) shall be accompanied by copies of the documents specified therein.

References under Part IV of the Act

- 6. A reference under rules 3(10)-(13) shall be accompanied by copies of the documents specified therein.

These Notes do not form part of the rules.

## Rule 9

## SCHEDULE 2

## Fees

<i>Item</i>	<i>Fees</i>
<i>Notice of reference</i>	
1. On any notice of reference under rule 3 . . . . .	£ s. d. 2 0 0
2. On any application to the President, Tribunal or registrar, or for making a consent order . . . . .	10 0
<i>Hearing Fees*</i>	
3. (a) On the hearing of a reference under rules 3(4) (in so far as it relates to a dispute as to the amount of compensation payable), 3(9) and 3(13) where the amount awarded or determined by the Tribunal or agreed by the parties following a hearing	
(i) does not exceed £500 . . . . .	5 0 0
(ii) exceeds £500 but does not exceed £1,000 . . . . .	5 0 0
	with an addition of £1 in respect of every £100 or part of £100 by which the amount awarded exceeds £500.
(iii) exceeds £1,000 . . . . .	10 0 0
	with an addition of £1 in respect of every £200 or part of £200 by which the amount awarded exceeds £1,000 but not exceeding in any case £250.
(b) On a hearing of a reference under rules 3(4) (where it relates only to an apportionment of compensation), 3(5), 3(6), 3(7), 3(8), 3(10), 3(11) and 3(12) . . . . .	5 0 0
<i>Copies of documents</i>	
4. On supplying and certifying a copy of an order or an award of the Tribunal . . . . .	10 0
5. For a photographic copy of all or part of any document (other than a copy on which Fee No. 4 is payable), whether or not issued as an office copy— for each photographic sheet	
(a) not over foolscap size . . . . .	2 0
(b) over foolscap size . . . . .	4 0
6. For a typewritten copy of any document, for each folio and for each folio of any additional carbon copy bespoken (subject in any case to a minimum of 2s. 6d.)	9 4
<i>Miscellaneous fees</i>	
7. On a case for the decision of the Court of Appeal	
(a) drawing case, if not drawn by the parties . . . . .	10 0
(b) attending the President or the Tribunal settling case . . . . .	2 0 0
8. On taxation of a bill of costs for every £2 or fraction thereof allowed . . . . .	1 0

\*Hearing fees shall not be payable in respect of references under rules 3(1), 3(2), 3(3) and 3(4) (where 3(4) relates only to a dispute as to an apportionment of development value).

*Directions for payment*

A document transmitted by post for stamping shall be accompanied by a cheque, money order or postal order, drawn to the order of the Lands Tribunal for Northern Ireland, for the amount of the fee payable.

## EXPLANATORY NOTE

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

These rules prescribe (a) the procedure to be followed in making a reference to the Lands Tribunal in respect of disputes arising under the Land Development Values (Compensation) Act (Northern Ireland) 1965; (b) the procedure in relation to proceedings before the Tribunal after a reference has been properly made and (c) the fees payable in proceedings before the Tribunal.

1966. No. 22

[C]

## CAPITAL GRANTS TO INDUSTRY

REGULATIONS, DATED 17TH JANUARY, 1966, MADE BY THE MINISTER OF COMMERCE UNDER SECTION 9 OF THE CAPITAL GRANTS TO INDUSTRY ACT (NORTHERN IRELAND) 1954.

I, the Right Honourable Brian Faulkner, Minister of Commerce, in exercise of the powers conferred on me by section nine of the Capital Grants to Industry Act (Northern Ireland) 1954, and of all other powers enabling me in that behalf, hereby make the following Regulations:

*Citation and Interpretation*

1.—(1) These Regulations may be cited as the Capital Grants to Industry Amendment Regulations (Northern Ireland) 1966, and shall be construed as one with the Capital Grants to Industry Regulations (Northern Ireland) 1957, (hereinafter referred to as “the Principal Regulations”)(a), the Capital Grants to Industry Amendment Regulations (Northern Ireland) 1961(b), and the Capital Grants to Industry Amendment Regulations (Northern Ireland) 1963(c) (hereinafter referred to as “the Regulations of 1963”).

(2) In these Regulations “the Act” means the Capital Grants to Industry Act (Northern Ireland) 1954(d), as amended by the Capital Grants to Industry (Amendment) Act (Northern Ireland) 1956(e), the Capital Grants to Industry (Amendment) Act (Northern Ireland) 1959(f), the Capital Grants to Industry (Amendment) Act (Northern Ireland) 1960(g), and the Capital Grants to Industry (Amendment) Act (Northern Ireland) 1962(h).

*Amendment of Regulation 5 of the Principal Regulations*

2. The following paragraph shall be substituted for paragraph (1) of Regulation 5 of the Principal Regulations:—

- |                                     |                  |
|-------------------------------------|------------------|
| (a) S.R. & O. (N.I.) 1957, No. 199. | (e) 1956. c. 18. |
| (b) S.R. & O. (N.I.) 1961, No. 255. | (f) 1959. c. 6.  |
| (c) S.R. & O. (N.I.) 1963, No. 242. | (g) 1960. c. 10. |
| (d) 1954. c. 15.                    | (h) 1962. c. 6.  |