

1970. No. 97

[NC]

HARBOURS**Compulsory Acquisition of Land**

REGULATIONS, DATED 4TH MAY 1970, MADE BY THE MINISTRY OF COMMERCE UNDER THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934 AS APPLIED BY THE HARBOURS ACT (NORTHERN IRELAND) 1970.

The Ministry of Commerce, in exercise of the powers conferred on it by the Local Government Act (Northern Ireland) 1934(a) as applied by Section 26 of the Harbours Act (Northern Ireland) 1970(b), and all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Harbour (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1970, and shall come into operation on 4th May 1970.

Interpretation

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

- (a) "the Act" means the Harbours Act (Northern Ireland) 1970;
- (b) "the Local Government Act" means the Local Government Act (Northern Ireland) 1934; and
- (c) "the Ministry" means the Ministry of Commerce.

3. An application for a vesting order in pursuance of the provisions of Section 26 of the 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 Harbour 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 Secretary or Solicitor of the Harbour 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 Local Government 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) of the Local Government 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 Harbour 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 Local Government 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.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 4th day of May 1970.

(L.S.)

W. L. Robinson,
Assistant Secretary.

SCHEDULE

FORM No. 1

(To be sent to Ministry)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour Authority]

Application for Vesting Order

The [Name of Harbour Authority] in pursuance of the provisions of the above Acts, hereby apply to the Ministry of Commerce 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.

Dated this day of 19 .

[Seal]

..... Chairman.

..... Secretary.

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)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

[Name of Harbour Authority]

Notice of Application for Vesting Order

NOTICE IS HEREBY GIVEN that the [Name of Harbour Authority] in pursuance of the provisions of the above Acts, have applied to the Ministry of Commerce 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 Commerce, 21 Linenhall Street, Belfast BT2 8BY, 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

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. 3

(To be sent to interested persons)

HARBOURS ACT (NORTHERN IRELAND) 1970
LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour Authority]

Notice of Application for Vesting Order

To of

TAKE NOTICE THAT the [Name of Harbour Authority] have applied to the Ministry of Commerce 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 Commerce, 21 Linenhall Street, Belfast BT2 8BY, 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....

..... 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)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour Authority]

Statutory Declaration

I, _____ Secretary/Solicitor of the [Name of Harbour Authority] do solemnly and sincerely declare as follows:—

1. Notice of application dated _____ for a vesting order was, in accordance with the Harbours Act (Northern Ireland) 1970, 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 _____ in the County of _____ 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)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour Authority]

Notice of making of Vesting Order

NOTICE IS HEREBY GIVEN that the Ministry of Commerce, 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 Harbour 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.....

.....Secretary.

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 map and folio no. (if any) 5	Nature of estate or interest to be acquired 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)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour 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....

..... Secretary.

FORM No. 7

(To be retained by Harbour Authority)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour 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 Harbour 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 Harbour Authority] 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 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 Harbour Authority)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour 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 Harbour Authority] 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 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 Harbour 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 Harbour 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)

HARBOURS ACT (NORTHERN IRELAND) 1970

THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [Name of Harbour Authority]

Notice of agreement for Compensation

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

Sir,

Please take Notice that the [Name of Harbour 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)

..... Secretary.

EXPLANATORY NOTE

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

The Regulations provide that where a Harbour Authority makes an application to the Ministry, under the provisions of Section 26 of the Harbours Act (Northern Ireland) 1970; for a vesting order, the Forms prescribed in the Schedule are to be used for the purposes of:

- (i) making application to the Ministry for the vesting order;
- (ii) publication of notice of application;
- (iii) giving notice to landowners of application;
- (iv) making the Statutory Declaration as to publication and service of notices of application;
- (v) giving notice of the making of the vesting order;
- (vi) giving notice of the operative date of the vesting order;
- (vii) the receipt to be given to the Harbour Authority for the compensation paid by it;
- (viii) making a Statutory Declaration of ownership where the compensation does not exceed £100; and
- (ix) giving notice by the Harbour Authority to the Ministry of Finance of the proposed terms of compensation.