

SCHEDULES

SCHEDULE 7

COMPULSORY ACQUISITION OF LAND

PART I

COMPULSORY ACQUISITION OF LAND BY RELEVANT UNDERTAKERS

1.—(1) Where a relevant undertaker proposes to acquire, otherwise than by agreement, any land required for the purposes of, or in connection with, the carrying out of its functions, it may apply to the Department for an order (“a vesting order”) vesting that land in the undertaker and the Department shall have power to make a vesting order.

(2) The power of acquiring land compulsorily under this paragraph includes power to acquire, by the creation of a new right, an easement or other right over land.

2.—(1) Except with the consent of the Authority, no application shall be made under paragraph 1 for a vesting order in respect of land which—

(a) belongs to another relevant undertaker; and

(b) is used for the purposes of, or in connection with, the carrying out of its functions.

(2) No application shall be made under paragraph 1 for a vesting order in respect of land vested inalienably in the National Trust for Places of Historic Interest or Natural Beauty.

3.—(1) The power to make a vesting order under paragraph 1 in respect of land—

(a) which is the property of any public body which has power under any statutory provision to acquire land compulsorily; or

(b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

(2) In this paragraph “public body” means a body established by or under any statutory provision.

4.—(1) Nothing in this Schedule shall authorise the acquisition, without the consent of DOE, of any land on or in which there is, to the knowledge of the Department, any historic monument or archaeological object.

(2) In this paragraph “historic monument” and “archaeological object” have the same meanings as in the [Historic Monuments and Archaeological Objects \(Northern Ireland\) Order 1995 \(NI 9\)](#).

5. Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply for the purposes of the acquisition of land by means of a vesting order made under paragraph 1 in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—

- (a) for any reference to the council there shall be substituted a reference to the relevant undertaker;
- (b) for any reference to the Department concerned there shall be substituted a reference to the Department;
- (c) for any reference to that Act there shall be substituted a reference to this Order;
- (d) in paragraph 6(2) for the words from “the fund” onwards there shall be substituted “funds of the relevant undertaker (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments made by the relevant undertaker”; and
- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the relevant undertaker”.

PART II

LAND OF RELEVANT UNDERTAKERS EXCLUDED FROM COMPULSORY PURCHASE

6. Where—

- (a) an application for a vesting order is made by a person with power to acquire land otherwise than by agreement (other than a relevant undertaker) in respect of land which includes land belonging to a relevant undertaker and used for any purposes of, or in connection with, the carrying out of its functions; and
- (b) that relevant undertaker has made a representation to the department concerned before the expiration of one month from the date of the last publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9),

the department concerned shall not make the vesting order unless the Department has certified—

- (i) that the land can be purchased and not replaced without serious detriment to the carrying on of those functions; or
- (ii) that, if purchased, the land can be replaced by other land belonging to, or available for acquisition by, the relevant undertaker without serious detriment to the carrying on of those functions.