1975 No. 18

LOCAL GOVERNMENT

Local Government (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1975

Made . . . . . *28th January* 1975
Coming into operation . . . *14th March* 1975

The Department of Housing, Local Government and Planning(a) (hereinafter referred to as "the Department") in exercise of the powers conferred on it by section 97 of and Schedule 6 to the Local Government Act (Northern Ireland) 1972(b) (hereinafter referred to as "the Act") and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation

1. These regulations may be cited as the Local Government (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1975 and shall come into operation on 14th March 1975.

Application for vesting order

2. An application for a vesting order in pursuance of the provisions of section 97 of and Schedule 6 to 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 linen, together with a copy of the map or plan on paper, indicating clearly the land proposed to be acquired.

Notice of application

3. In addition to serving notice as required by paragraph 2(*b*) of Schedule 6 to the Act notice of the application shall also be served by the council on the Department, the Department of Finance, the Department of Agriculture and such public body as appears to the council to have an interest in any particular application.

Notice of making of vesting order

4. Notice of the making of a vesting order which is required to be given in pursuance of the provisions of paragraph 5(1)(*a*) of Schedule 6 to the Act shall be in the Form No. 2 in the Schedule and shall be published in one or more of the newspapers circulating in the district.

Notice of vesting order becoming operative

5. Notice of a vesting order becoming operative which is to be given under paragraph 5(1)(*d*) of Schedule 6 to the Act shall be in the Form No. 3 in the Schedule.

Notice to be given to government departments

6. Notice of a vesting order that has become operative shall within fourteen days of its becoming operative be served by the Council on the Department, the Department concerned, the Department of Finance and on any public body on which notice of the application was served.

(a) Formerly the Ministry of Development; *see* S.R. & O. (N.I.) 1973 No. 504 para. 7(1)
(b) 1972. c. 9 (N.I.)

Notice to be given where land is subject to payment of an annuity

7. The notice to be given to the Department of Finance in pursuance of the provisions of paragraph 11(3) of Schedule 6 to the Act shall be in the Form No. 4 in the Schedule.

Maps and schedules in cases of dispute

8. The maps and schedules to be made out by the council in pursuance of paragraph 12(1) of Schedule 6 to the Act in cases of disputed compensation shall be upon such scale and be framed in such manner as is hereinafter set forth, that is to say:

(1)(*a*) The maps shall be upon a scale of not less than 1:2500, and unless the whole of such maps shall be upon a scale of not less than 1:1250 an enlarged plan shall be added of any building, yard or garden upon a scale not less than that scale.

(*b*) Each field, enclosure, road, passage, house or building to which the vesting order relates, whether wholly or in part, shall be clearly shown on the maps, with the fences of the lands abutting thereon accurately indicated, and with the areas acquired marked in acres, roods and square yards statute measure, and clearly defined by boundaries.

(*c*) Each separate parcel of land or property of any kind shall be indicated and marked on the maps by a distinctive number corresponding to the number assigned to such property in the schedule of the scheduled lands as provided in paragraph (2).

(*d*) The maps shall show the names of the towns or townlands, districts and counties in which the scheduled lands are situated, and all townland boundaries so far as they intersect or closely adjoin the scheduled lands.

(*e*) The scale of each map shall be clearly marked thereon and the points of the compass and a portion of any closely adjoining street or road shown, with the name thereof, or with words indicating the towns or villages to or from which the street or road leads.

(2)(*a*) The schedules shall be in the Form No. 5 in the Schedule and shall contain full particulars of the scheduled lands.

(*b*) In the schedules a distinctive number shall be assigned to each separate parcel of land or property of any kind.

Receipt for compensation

9. The receipt to be given to the council for any compensation paid by it shall be in the Form No. 6 in the Schedule.

Statutory declaration in certain cases

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. 7 in the Schedule.

Sealed with the Official Seal of the Department of Housing, Local Government and Planning for Northern Ireland on 28th January 1975.

(L.S.)

J. A. D. Higgins,
Senior Assistant Secretary

SCHEDULE

FORM No. 1

(To be sent to the Department concerned)

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

.....[Other empowering Acts]

.....[Name of district council]

Application for vesting order

THE [*name of district council*] in pursuance of the provisions of the above Acts, HEREBY APPLY to the Department of [*name of Department concerned*] for an Order vesting the land described in the Schedule in the said Council in accordance with and subject to the provisions of the above Acts.

The said Council desire to acquire the said land otherwise than by agreement for the following purposes*—

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

Dated this day of 19

..... Lord Mayor/Mayor/Chairman

[Seal]

..... Clerk

[ ] Council

Schedule

Description of land

County of.....

District of..... Barony or Town of.....

Townland or street	*Area (acres, roods and sq. yards)*	*Names and addresses of persons appearing to have an estate*	*Nature of estate † of persons in col. 3*	*Reference to land on attached map and folio number (if any)*	*Nature of estate † to be acquired*
1	2	3	4	5	6

†"Estate" when used with reference to land, includes any legal or equitable estate or interest, easement, right, title, claim, demand, charge, lien or encumbrance in, over, to or in respect of the land.

FORM NO. 2

(For newspaper publication and for objectors who appeared at the Inquiry)

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

.....[Other empowering Acts]

.....[Name of district council]

Notice of making of vesting order

NOTICE IS HEREBY GIVEN that the Department of ..... for Northern Ireland, acting in pursuance of the provisions of the above Acts, made on the ..... day of ..... 19....., an Order vesting the lands described therein in the ..... Council freed and discharged from all claims or estates whatsoever in accordance with and subject to the provisions of the above Acts.

A copy of the Vesting Order and related map may be seen at all reasonable hours at ..... or at the office of the Department of ..... for Northern Ireland

.....

Dated this ..... day of ..... 19.....

..... Clerk

[ ] Council

FORM No. 3

(To be sent to interested persons)

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

.....[Other empowering Acts]

.....[Name of district council]

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 by the [ ] Council 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 land vested thereby.

Dated this ..... day of ..... 19....

..... Clerk

FORM No. 4

(To be sent to the Department of Finance)

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

.....[Other empowering Acts]

.....[Name of district council]

Notice of agreement for compensation

To The Secretary
Department of Finance
Stormont
Belfast
BT4 3SY

Sir

PLEASE TAKE NOTICE that the [*name of district council*] propose to enter into an agreement with for the payment of compensation to him in respect of his interest in the land set out in the first column of the Schedule in the terms mentioned in the second column of the said Schedule.

SCHEDULE

Description of land	*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)	.....

..... Clerk

[ ] Council

FORM NO. 5

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Other empowering Acts]

..... [Name of district council]

Schedule of Lands to which a Vesting Order, made by the Department of ..... for Northern Ireland on the ..... day of ..... 19...., relates and lands claimed to be injuriously affected by the works proposed to be carried out.

County	*Barony or town*	*Townland or street*	*Area (acres, roods and sq. yds.)*	*Names and addresses of owners or reported owners, lessees or reported lessees and occupiers*	*Nature of estate*	*Reference to land on attached map*
1	2	3	4	5	6	7

Dated this ..... day of ..... 19.....

..... Clerk

[ ] Council

FORM NO. 6

(To be retained by district council)

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Other empowering Acts]

..... [Name of district council]

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 district council*] 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, in the Townland of .... (Town of .....), Barony of ..... and County of ..... containing ..... acres ..... roods and ..... square yards statute measure or thereabouts vested in the said [*name of district council*] by a vesting order made by the [*name of Department concerned*] 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*

Dated this ..... day of ..... 19.....

Signed by the said .....

in the presence of .....

FORM NO. 7

(To be retained by district council)

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

.....[Other empowering Acts]

.....[Name of district council]

Statutory Declaration by person claiming compensation not exceeding One Hundred Pounds

I, ... of .....

..... aged ..... years and upwards DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I was on and prior to the (1) ..... day of .....

19.... the absolute owner (or(2) .....) of all that

parcel of land in the Townland of ..... Barony of

..... (Town of .....)

and County of ....., containing ..... acres

..... roods and ..... square yards statute measure or thereabouts which was vested in the [*name of district council*] on the

said(1) ..... day of ..... 19....,

by a vesting order made by the Department of .....

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 district council*] 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 acknowledgement given to, any person in respect of the said lands or the rents or profits thereof save as herein set forth.

(1) Date of vesting.

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

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 district council*] 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.....

EXPLANATORY NOTE

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

These regulations prescribe various matters in relation to the procedure for the compulsory acquisition of land by district councils under section 97 of and Schedule 6 to the Local Government Act (Northern Ireland) 1972.