

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1934, Satisfaction of Claims Attached to Compensation Fund. (See end of Document for details)

SCHEDULES

SECOND SCHEDULE ^{F1}

ACQUISITION OF LAND BY VESTING ORDERS

F1 See note to s.22(2)

SATISFACTION OF CLAIMS ATTACHED TO COMPENSATION FUND

- 18 (1) The local authority, before paying out of the compensation fund to any person any compensation (whether the amount thereof has been settled by agreement or determined by ^[F1] the Lands Tribunal) shall obtain from that person a receipt in the prescribed form which shall be prepared by, and executed at the cost of, the local authority, and such receipt shall operate to release the compensation fund from all claims by the person giving it and all parties claiming through or under him.
- (2) The local authority shall pay the costs of furnishing any statement, abstract or other evidence of title required by them to be furnished by any person claiming any interest in the compensation fund.

F1 1964 c.29 (NI)

- 19 (1) Where the compensation payable (whether the amount thereof has been settled by agreement or determined by ^[F2] the Lands Tribunal) to any person claiming any interest in the compensation fund does not exceed the sum of one hundred pounds, and the claimant makes a statutory declaration in the prescribed form stating whether he claims as absolute or as limited owner, and gives prima facie evidence which satisfies the local authority that for not less than six years immediately preceding he, or his immediate predecessor in title, has been personally or by an agent in receipt of the rents or profits of the land in respect of which compensation is payable, or in actual occupation thereof, the local authority may pay to the person claiming as absolute owner the compensation payable for the interest in respect of which he claims, and, in the case of a person claiming as limited owner of the interest in respect of which he claims, the local authority may pay the compensation payable for that interest to the trustees of the settlement under which such limited owner claims, or, where there are no such trustees, may pay such compensation into court in accordance with the provisions of article twenty-one of this Schedule.
- (2) Where any compensation not exceeding the sum of one hundred pounds is payable in respect of an interest which is subject to any mortgage or charge (not being a charge consisting of an annuity under the Land Purchase Acts, or a charge in respect of any sums repayable in respect of a loan or advance made by any Government department), the compensation may be paid to the person entitled to the mortgage or charge, or, if there is more than one such mortgage or charge, then to the person entitled to the mortgage or charge which is first in priority, and the amount so paid shall be received in reduction of the principal sum for the time being owing in

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respect of the mortgage or charge, notwithstanding any direction, proviso or covenant to the contrary contained in any instrument. Where the compensation is paid to a mortgagee or chargeant, the receipt given by the mortgagee or chargeant shall release the compensation fund from all claims by him and any subsequent mortgagee or chargeant, and also from all claims by the person creating the mortgage or charge and all persons claiming through or under that person.

- (3) A memorandum of the amount paid under the last preceding paragraph shall, when practicable, be endorsed on the instrument creating the mortgage or charge, and shall be signed by the person receiving the compensation, and a copy of the memorandum shall be furnished by the local authority at their expense to all persons appearing to the local authority to be entitled to any interest in the land subject to the mortgage or charge.

F2 1964 c.29 (NI)

- 20 Any person claiming to be entitled to any money paid to another person pursuant to the foregoing provisions of this Schedule may, within six years after the payment has been made, on giving such notice as may be required by rules of the^{F3} Supreme Court, apply for relief ...^{F4} to the High Court where the amount claimed exceeds one thousand pounds, or to the county court within the jurisdiction of which the land in respect of which the money has been paid is situate, where the amount claimed does not exceed one thousand pounds; and the court may either dismiss the application, or give judgment or make a decree against the local authority for the amount found due in respect of the claim, and in the latter case the said amount shall be a debt due to the local authority by the person to whom the money was paid by them, and arising at the date of such judgment or decree.

F3 prosp. subst. by 2005 c. 4

F4 1962 c.30

- 21 If it appears to the local authority that any person claiming an interest in the compensation fund is not absolutely entitled to that interest, or is under any disability, or that his title is not satisfactorily deduced, or if any such person refuses to produce his title, or to accept the compensation as determined by [^{F5} the Lands Tribunal], or if no claim has been made to the compensation within a year after it has been determined, then—
- (a) if the total amount of the compensation does not exceed one thousand pounds the local authority shall pay the money into the county court, and that court shall have with respect thereto all the jurisdiction exercisable by the High Court under the Lands Clauses Acts;
 - (b) if the amount of the compensation exceeds one thousand pounds, the amount payable by the local authority shall be paid, applied and dealt with in accordance with the provisions of the Lands Clauses Consolidation Act, 1845 , with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title, and those provisions shall have effect accordingly.

F5 1964 c.29 (NI)

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Para. 22 rep. by 1964 c. 29 (NI)

[^{F6}23 ^{F7} The local authority shall pay interest upon the compensation money, from the date of vesting of the land in respect of which the compensation is payable until the time of the payment of such money and interest to the party entitled thereto, or, where such compensation is paid into court, then until the sum with such interest is paid into court accordingly. The rate of interest payable under this Article shall be such rate as may from time to time be determined by the Ministry of Finance.]

F6 1955 c.13 (NI)

F7 1971 c.23 (NI)

24 The payment of the compensation in the manner provided by article twenty-one of this Schedule shall operate to discharge the compensation fund from all claims and interests in respect of which such compensation is payable.

25 For the purposes of article twenty-one of this Schedule, section seventy-two of the Lands Clauses Consolidation Act, 1845 , shall have effect as if “ one hundred pounds ” were substituted therein for “twenty pounds.”

Para. 26 rep. by 1959 c. 25 (NI)

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