



Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955

1955 CHAPTER 15

7 Compensation.

- (1) Where any person suffers any loss or damage by reason of—
- (a) the preparation or carrying into effect of a scheme under this Act; or
 - (b) the exercise of any power exercisable under paragraph (*d*) or (*e*) of sub-section (1) of section five; or
 - (c) the cessation by virtue of sub-section (3) of section six of any liability of the Ministry, as successor to the Lower Bann Navigation Trustees, to carry out certain functions with respect to navigation; or
 - (d) the exercise by the Ministry or by any person authorised by it of any power exercisable under section twelve;

the Ministry shall, subject to the provisions of this Act, pay to him reasonable compensation in respect of such loss or damage.

- (2) In lieu of paying compensation the Ministry may by agreement construct or repair works or provide facilities to prevent or make good any loss or damage to which the provisions of sub-section (1) apply or would otherwise apply; so, however, that in the event of such construction, repair or provision affording or appearing likely to afford any additional or improved advantages, facilities or rights the Ministry may enter into agreement with any person whereby a fair proportion of the cost incurred by the Ministry in connection with such construction, repair or provision shall be borne by that person.

- (3) Every claim for compensation under this Act—
- (a) shall be made in writing to the Ministry not later than—
 - (i) where the claim is in respect of loss of or damage to a fishery or fishing right, ten years from the relevant date; and
 - (ii) in any other case, three years from the relevant date;

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, Section 7. (See end of Document for details)

and such details of the claim as the Ministry may require shall be furnished in writing to the Ministry within such further period as the Ministry may reasonably determine as being necessary for the expeditious disposal of claims; and

- (b) shall, in default of agreement, be [^{F1} referred to and determined by the Lands Tribunal].
- (4) In computing the amount of reasonable compensation under this Act the Ministry may allow a sum in respect of the cost of the employment of any solicitor and may allow a sum in respect of the cost of the employment of any engineer, surveyor, accountant or valuer where the Ministry is satisfied that such employment has been necessarily and properly incurred in connection with the preparation of a claim for compensation but save as aforesaid costs shall not be payable by the Ministry in respect of claims for compensation.
- (5) In this section and in section nine “relevant date” means, in relation to any claim for compensation—
- (a) where the claim arises in consequence of an order made under sub-section (3) of section six, the date of that order; and
 - (b) where the claim arises out of a scheme, the date prescribed under section three as the date on which the scheme shall be put into operation; and
 - (c) where the claim arises under any of the other provisions of this Act, the date on which the loss or damage occurred.

F1 1964 c. 29 (NI)

Status:

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