

## SCHEDULES

### SCHEDULE 2

Section 4(3).

#### MODIFICATIONS OF SCHEDULE 5 TO THE ROADS ACT (NORTHERN IRELAND) 1948 FOR THE PURPOSES OF SECTION 4

- 1 References to the Ministry or to the authority shall be construed as references to the Ministry within the meaning of this Act.
- 2 References to the said Schedule 5 shall be construed as references to that Schedule as modified by this Schedule.
- 3 The expressions “land” and “estate” shall have the meanings respectively assigned to them by subsections (1)( *a*) and (2) of section 45 of the Interpretation Act (Northern Ireland) 1954 .
- 4 Paragraph 1 shall be omitted.
- 5 In paragraph 2—
  - (a) sub-paragraph (1) shall be omitted;
  - (b) in sub-paragraph (2), the reference to the said Act of 1948 shall be construed as a reference to this Act; and
  - (c) in sub-paragraph (3), in head ( *c*), after the word “served” there shall be inserted the words “by post” .
- 6 In paragraph 3—
  - (a) in sub-paragraph (1) the words “, where the authority is a local authority,” shall be omitted; and, for the words “(if it appears to the Ministry necessary so to do)” there shall be substituted the words “(unless no objections have been received, or any objections received have been met or withdrawn or relate solely to any matter which is excluded from consideration in an inquiry by virtue of section 4(4) of the New Towns Act (Northern Ireland) 1965).”
  - (b) in sub-paragraph (2), the words from the words “, and, in particular” to the end thereof shall be omitted.
- 7 In paragraph 4( *b*), the two references to the said Act of 1948 shall be construed as references to this Act.
- 8 In paragraph 5—
  - (a) in the first sub-paragraph, the words from the beginning of head ( *a*) to the words “is the Ministry,” in head ( *b*), the words “, as the context requires,” , and the words from “or any other” to the end of the sub-paragraph, shall be omitted; and
  - (b) in the second sub-paragraph, for the words from “be the date” to the end, there shall be substituted the words “be either the date on which the vesting order becomes operative or the date of the lodgment of the vesting order with the registering authority under the said Act, whichever is the later.”

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**Changes to legislation:** *There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965, SCHEDULE 2. (See end of Document for details)*

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9 In paragraph 10, the words from the beginning of head ( a ) to the words “is the Ministry,” in head ( b ) shall be omitted.

10 For the purposes of a vesting order in respect of an estate in land, being an estate less than a fee simple, the said Schedule 5 shall have effect with such modifications as may be necessary to enable such an estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and (without prejudice to the generality of the foregoing provisions) shall have effect as if for the first sub-paragraph of paragraph 5 there were substituted the following sub-paragraph—

“A vesting order shall operate, without further assurance, to vest in the Ministry, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting” ), all such estates in, to or over the land to which the order relates as are specified in the order, freed and discharged from all the estates of any other person whomsoever therein save only as may be expressly excepted in the order, and the rights and claims of any such other person in respect of an estate so vested shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to the Consolidated Fund (in this Schedule referred to as “the compensation fund” ) and shall be discharged by payments made by the Ministry.”;

and for the purposes of this paragraph the interest of a grantee under a fee farm grant shall be deemed to be a lesser estate than a fee simple.

**Changes to legislation:**

There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965, SCHEDULE 2.