Land Development Values (Compensation) Act (Northern Ireland) 1965

1965 CHAPTER 23

PART III

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

[F1]27 Registration and apportionment of compensation for depreciation.

(1) Where compensation payable under section 26 includes compensation for depreciation of an amount exceeding fifty pounds, the Ministry may, if it appears to it to be practicable to do so—

(a) apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates; and

(b) give particulars of any such apportionment to the claimant and to every other person, if any, entitled to an estate in the land which appears to the Ministry to be substantially affected by the apportionment.

(2) In making an apportionment under subsection (1) the Ministry—

(a) shall divide the land into parts; and

(b) shall distribute the compensation between those parts, according to the manner in which the different parts appear to the Ministry to be differently affected by the order in respect of which the compensation for depreciation is payable.

(3) Section 23, and any regulations made by virtue thereof, shall have effect with respect to any apportionment under subsection (1)[F2]. . . .

(4) On a reference to the Lands Tribunal by virtue of subsection (3), subsections (1) and (2), so far as they relate to the making of an apportionment, shall apply as if for the references in those subsections to the Ministry there were substituted references to the Lands Tribunal.

(5) Section 24 shall, subject to subsection (6), have effect with respect to compensation for depreciation payable under section 26 as it has effect with respect to compensation payable under Part II, **[**[F3]with the substitution—

(a) for references to a planning decision, of references to the order under section 68 or 72 of the Planning Act in consequence of which the compensation for depreciation is payable;

(b) for paragraph (a) of subsection (1) of the following paragraph—

(a) the council must serve on—

(i) any person making a claim in relation to the compensation; and

(ii) the Department,

a notice in the prescribed form containing particulars of the payment and, if an apportionment has been made under section 21, of that apportionment;**]**

(6) Where any compensation for depreciation under section 26 specified in a notice registered under section 24(2) (as applied by subsection (5)) became payable in respect of an order modifying planning permission, any development carried out in accordance with that permission as so modified shall not be deemed to constitute relevant development within the meaning of section 24.

(7) In this section[F2]. . . "compensation for depreciation" means so much of any compensation payable under section 26 as is payable in respect of loss or damage consisting of depreciation of the value of a compensatable estate in land attributable to an order revoking or modifying any planning permission granted for the carrying out of any new development.

F1 1972 NI 17

F2 2001 c. 2 (NI)

F3 Words in s. 27(5) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 4 para. 6** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Modifications etc. (not altering text)

C1 S. 27 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25), **ss. 181(4)**, 254(1), (2) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

C2 S. 27 certain functions transferred (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25), **ss. 179(2)(b)**, 254(1), (2) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Changes to legislation:
There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 27 .