



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

## 1965 CHAPTER 23

### PART I <sup>F1</sup>

#### DEVELOPMENT VALUE OF LAND

### 3 <sup>F1</sup>Basis of calculation of restricted and unrestricted values of land.

- (1) In determining the value which a fee simple absolute in possession in any land would have had on 25th February 1963 it shall be assumed that such a fee simple was offered for sale—
- (a) in the open market;
  - (b) with vacant possession;
  - (c) with the benefit of any restrictive covenant, easement, quasi-easement, or other right which enured for the benefit of the fee simple in the land immediately before the passing of this Act;
  - (d) subject to—
    - (i) any restrictive covenant, easement, quasi-easement, or other right enuring for the benefit of other land;
    - (ii) any public right of way or other right enuring for the benefit of the public or any section thereof; and
    - (iii) any restriction imposed by or under any statutory provision;to which the fee simple in the land was subject immediately before the passing of this Act; but
  - (e) free from any other incumbrance, and without regard to any liability of the land to become subject after the passing of this Act to any restriction under any statutory provision;
- and the land shall be treated as having been in the same state on 25th February 1963 as it was immediately before the passing of this Act.

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**Changes to legislation:** There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 3. (See end of Document for details)

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- (2) For the purposes of this Part, the value of a fee simple absolute in possession in any land shall be calculated by reference to prices current immediately before 26th February 1963.
- (3) In computing the restricted and unrestricted values of a fee simple absolute in possession subject to a mortgage it shall be assumed that the mortgage has been discharged.
- (4) Where at the date of the passing of this Act—
- (a) planning permission to develop any land has been granted (whether with or without conditions) in pursuance of an application for planning permission made before 26th February 1963; but
  - (b) the development for which the permission was granted has not been initiated or has not been completed;
- the restricted and unrestricted values of that land shall be computed on the basis that the development for which the permission was granted might lawfully be carried out.
- (5) Where, at the date of the passing of this Act—
- (a) a planning decision given in pursuance of an application for planning permission made before 26th February 1963 refuses planning permission to carry out any new development in or on any land, or grants such permission subject to conditions; or
  - (b) planning permission to carry out any such development (granted in pursuance of an application for such permission made before 26th February 1963) has been revoked or modified by an order made under section 3 of the Act of 1944; and a claim for compensation under the Act of 1944 in respect of the planning decision or order has been made before, or by virtue of section 6(5) of that Act may be made after, the passing of this Act, the restricted and unrestricted values of that land shall be computed on the assumption that the planning decision or, as the case may be, the planning decision as so revoked or modified binds the land for ever.
- (6) Where by virtue of Part II any compensation becomes payable under that Part by reference to a date occurring before the passing of this Act, the foregoing provisions of this section shall have effect as if for any reference to the passing of this Act there were substituted a reference to that date.
- (7) In computing the restricted and unrestricted values of any land for the purposes of this Part, rules (2) to (4) of the rules set out in<sup>[F2]</sup> Article 6(1) of the Land Compensation (Northern Ireland) Order 1982] shall, so far as applicable, have effect as they have effect for the purpose of assessing compensation for the compulsory purchase of land, so, however, that rule (3) of the said rules shall not have effect in relation to any land which is held by any person in order that he may develop that land for the purposes of any trade or business carried on by him on any adjoining land.
- (8) Land shall be taken not to have a development value if the amount of the excess of the unrestricted value of the land over the restricted value of the land is less than ten per cent. of the restricted value of the land.

**F1** rep. with saving by 2001 c. 2 (NI)

**F2** 1982 NI 9

**Changes to legislation:**

There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 3.