
STATUTORY INSTRUMENTS

1982 No. 712

The Land Compensation (Northern Ireland) Order 1982

PART VI

MISCELLANEOUS AND GENERAL

Right to advance payment of compensation

19.—(1) Where a vesting order has become operative the acquiring authority shall, if a request in that behalf is made in accordance with paragraph (2), make an advance payment on account of the compensation payable by them for the compulsory acquisition of any interest in that land.

(2) Any request under this Article shall be made by the person entitled to the compensation (in this Article referred to as “the claimant”), shall be in writing, shall give particulars of the claimant's interest in the land and shall be accompanied or supplemented by such other particulars as the acquiring authority may reasonably require to enable it to estimate the amount of the compensation in respect of which the advance payment is to be made.

(3) Subject to paragraph (6), the amount of any advance payment under this Article shall be equal to 90 per cent of the following amount, that is to say—

- (a) if the acquiring authority and the claimant have agreed on the amount of the compensation, the agreed amount;
- (b) in any other case, an amount equal to the compensation as estimated by the acquiring authority.

(4) Any advance payment under this Article shall be made not later than three months after the date on which a request for the payment is made in accordance with paragraph (2).

(5) Where an advance payment is made on the basis of an estimate under paragraph (3) (b) and the amount of that payment exceeds the compensation as finally determined or agreed, the excesses shall be repaid; and if after an advance payment has been made to any person it is discovered that he was not entitled to it the amount of the payment shall be a debt recoverable summarily by the acquiring authority from the claimant.

(6) No advance payment shall be made on account of compensation payable in respect of any land which is subject to a mortgage the principal of which exceeds 90 per cent of the amount mentioned in paragraph (3); and where the land is subject to a mortgage the principal of which does not exceed 90 per cent of that amount, the advance payment shall be reduced by such sum as the acquiring authority considers will be required by it for securing the release of the interest of the mortgagee.

(7) Any advance payment on account of compensation in respect of an interest which is settled land for the purposes of the Settled Land Acts 1882 to 1890 shall be made to the persons entitled to give a discharge for capital money and shall be treated as capital money arising under those Acts.

Certification of value

20. The Lands Tribunal may on the application of any person certify the value of land being sold by him to an authority possessing compulsory acquisition powers and the sale of the land to that

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authority at the price so certified shall be deemed to be a sale at the best price that can reasonably be obtained.

Effect of Order on certain existing enactments

21. The provisions of any enactment passed before 19th August 1919 by which land is authorised to be acquired shall, in relation to the matters dealt with in this Order, have effect subject to this Order, and so far as inconsistent with this Order those provisions shall not have effect.

Application to the Crown

22. This Order applies in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments being authorities possessing compulsory acquisition powers, as it applies in relation to the acquisition of interests in land by such authorities who are not government departments.

Savings, consequential amendments and repeals

23.—(1) Schedule 1 (which contains saving provisions) shall have effect.

Para.(2)—Amendments

Para.(3)—Repeals

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(2)-(4) applied (by S.I. 1996/725 (N.I.), art. 18B 18C (as inserted)) by [2022 c. 46 s. 64\(2\)](#)