
Status: Point in time view as at 13/09/2010.

Changes to legislation: There are currently no known outstanding effects for the Forestry Act (Northern Ireland) 2010, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 5.

COMPULSORY ACQUISITION OF LAND

Compulsory acquisition: vesting orders

1.—(1) Where the Department proposes to acquire land compulsorily it may make an order (a “vesting order”) vesting the land in the Department.

(2) The power to make a vesting order in respect of any land by virtue of this paragraph includes power to create and vest in the Department new rights over the land as well as to vest existing rights.

Compulsory acquisition: procedure, etc.

2 Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) applies for the purposes of the acquisition of land by means of a vesting order made under paragraph 1 in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act, subject to the following modifications—

- (a) for any reference to the Department or the council substitute a reference to the Department;
- (b) for any reference to that Act substitute a reference to this Act;
- (c) omit paragraph 1;
- (d) in paragraph 2—
 - (i) for the words from the beginning to “directs” substitute “ Where the Department proposes to acquire land compulsorily, it shall give notice of its intention to do so, and that notice ”;
 - (ii) omit the words “in such form and manner as the Ministry directs” ;
 - (iii) in sub-paragraph (c) for the words “as may be prescribed” substitute “ as the Department considers fit ”;
- (e) in paragraph 3(1)(b) after the word “held” insert “ by the planning appeals commission or by any other person ”;
- (f) in paragraph 4 omit the words from “and may provide” onwards;
- (g) in paragraph 5—
 - (i) in sub-paragraph (1)(a) omit the words “in the prescribed form and manner”;

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- (ii) in sub-paragraph (1)(d) omit the words “in the prescribed form”;
- (iii) in sub-paragraph (2) for the words “as may be prescribed” substitute “as the Department thinks fit”;
- (h) in paragraph 6(2) for the words from “fund out of which the expenses of the council in acquiring the land are to be defrayed” substitute “Consolidated Fund” and for the words “out of the compensation fund” substitute “made by the Department”;
- (i) in paragraph 11(3) omit the words “in the prescribed form”;
- (j) in paragraph 12—
 - (i) in sub-paragraph (1) omit the words “such” and “as may be prescribed”;
 - (ii) in sub-paragraph (2) for the words from “clerk” to “directs” substitute “Department as correct, and publish”;
- (k) in paragraph 14(1) omit the words “in the prescribed form”;
- (l) in paragraph 15(1) for the words “in the prescribed form” substitute “in such form as may be approved by the Department”;
- (m) omit paragraphs 19 and 20(2).

Compulsory acquisition: land belonging to statutory bodies and inalienable land

- 3** The power to make a vesting order under paragraph 1 in respect of land—
- (a) which is the property of any statutory body which has power under any statutory provision to acquire land compulsorily, or
 - (b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

Compulsory acquisition: land containing historic monuments or archaeological object

4.—(1) Nothing in this Schedule authorises the acquisition, without the consent of the Department of the Environment, of any land on or in which there is, to the knowledge of the Department, any historic monument or archaeological object.

(2) In this paragraph “historic monument” and “archaeological object” have the same meanings as in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (NI 9).

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Compulsory acquisition: powers of entry

5.—(1) The powers of entry conferred by section 32 are exercisable in relation to any land—

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the Department under section 5; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(2) The power to survey land conferred by sub-paragraph (1) includes power—

- (a) to ascertain or fix boundaries;
- (b) to search and bore for the purposes of ascertaining the course of any sewers or drains or ascertaining the nature of the subsoil; and
- (c) to take and carry away, for the purpose of examination, specimens of the subsoil.

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