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STATUTORY INSTRUMENTS

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**1981 No. 608**

**The Planning Blight (Compensation)  
(Northern Ireland) Order 1981**

*Special cases*

**Mortgagees**

**12.**—(1) Subject to paragraphs (2) to (5), a person may serve a blight notice on the appropriate authority under and in accordance with this Order where he claims that—

- (a) he is entitled as mortgagee, by virtue of a power which has become exercisable, to sell an interest in a hereditament or agricultural unit comprised in land of any of the specified descriptions, giving immediate vacant possession of the land; and
- (b) he has complied with the requirements specified in Article 5(1)(b) and (c) in relation to that interest.

(2) Article 5(2) applies to the interest of a mortgagee as it applies to an interest which qualifies for protection under Article 4.

(3) A mortgagee shall not serve a blight notice unless one or other of the following conditions is satisfied with regard to the interest which the mortgagee claims he has the power to sell, namely;—

- (a) the interest could be the subject of a blight notice under Article 5 served by the person entitled thereto on the date of service of a notice under this Article; or
- (b) the interest could have been the subject of such a notice by that person on a date not more than six months before the date of service of a notice under this Article.

(4) No blight notice under this Article shall be served in respect of a hereditament or agricultural unit, or any part of a hereditament or agricultural unit at a time when a notice already served under Article 5 is outstanding in respect of that hereditament, unit or part; and no notice shall be so served under Article 5 when a notice under the Article is so outstanding.

(5) For the purposes of paragraph (4), a blight notice shall be treated as outstanding until—

- (a) it is withdrawn; or
- (b) an objection to the notice having been made by a counter-notice under Article 6 either—
  - (i) the period of two months specified in Article 7 elapses without the claimant having required the objection to be referred to the Lands Tribunal; or
  - (ii) the objection, having been referred to the Lands Tribunal, is upheld by the Tribunal.

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning Blight (Compensation) (Northern Ireland) Order 1981, Section 12.