

## SCHEDULES

### SCHEDULE 3

Article 13.

#### COMPENSATION PAYABLE BY AIRPORT OPERATORS

##### Compensation where property damaged

1. Where any property is damaged—
  - (a) in the exercise by a person authorised by an airport operator of a power of entry conferred by Article 4 or in the making of any survey for the purpose of which that power is exercised;
  - (b) in the exercise of a power or right conferred by an order made under Article 7 in relation to an airport;
  - (c) in the exercise of a power or right conferred, in pursuance of Article 8(4)(b), by an order made under Article 8 in relation to an airport;
  - (d) in the exercise of a power or right conferred by an order made under Article 9 in relation to an airport,

the airport operator shall make good that damage or pay such compensation as may be just in respect of that damage.

##### Compensation for disturbance

2. Where any person is disturbed in the enjoyment of any property in consequence of—
  - (a) the exercise by a person authorised by an airport operator of a power of entry conferred by Article 4 or in the making of any survey for the purpose of which that power is exercised;
  - (b) the exercise of a power or right conferred by an order made under Article 7 in relation to an airport;
  - (c) the exercise of a power or right conferred, in pursuance of Article 8(4)(b), by an order made under Article 8 in relation to an airport;
  - (d) the exercise of a power or right conferred by an order made under Article 9 in relation to an airport,

the airport operator shall pay such compensation as may be just in respect of that disturbance.

##### Compensation for diminution in value of land

- 3.—(1) Any person having an estate in land the value of which is diminished in consequence of—
  - (a) the coming into operation of an order made under Article 7 in relation to an airport or the exercise of a right or power conferred by such an order;
  - (b) the coming into operation of a direction given under Article 8 in relation to an airport or the exercise of a power or right conferred, in pursuance of paragraph (4)(b) of that Article, by any order made under that Article in relation to an airport;
  - (c) the exercise of a right or power conferred by an order made under Article 9 in relation to an airport,

**Changes to legislation:** *The Airports (Northern Ireland) Order 1994, SCHEDULE 3 is up to date with all changes known to be in force on or before 20 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

shall, subject to sub-paragraph (2), be entitled to recover compensation for the diminution from the airport operator.

(2) Sub-paragraph (1)(b) does not apply to the coming into operation of a direction given under Article 8 for the purpose specified in paragraph (3)(a) of that Article if the building or structure in question constitutes development for which planning permission is required under [<sup>F1</sup>the Planning Act (Northern Ireland) 2011] .

(3) For the purpose of assessing the amount of any compensation payable under this paragraph, the value of land shall be determined in accordance with rules (2) to (4) in Article 6(1) of the Land Compensation (Northern Ireland) Order 1982<sup>F2</sup>.

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| <p><b>F1</b> Words in Sch. 3 para. 3(2) substituted (1.4.2015) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 6 para. 71</a> (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)</p> <p><b>F2</b> <a href="#">1982 NI 9</a></p> |
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### Compensation for expenditure incurred

**4.** An airport operator shall pay compensation in respect of any expenditure reasonably incurred by any person—

- (a) for the purpose of carrying out work which is required to be carried out by a direction given under Article 8 in relation to the airport;
- (b) in connection with the lawful removal of any apparatus installed in pursuance of an order made under Article 9 in relation to the airport or in connection with so much of any repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order.

### Reduction of compensation

**5.** The compensation payable to any person by virtue of paragraph 1(c), 2(c) or 3(1)(b) in connection with a direction under Article 8 shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the direction.

### Disputes as to compensation

**6.—(1)** Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

(2) Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982 shall apply, with appropriate modifications, to any such determination.

**Changes to legislation:**

The Airports (Northern Ireland) Order 1994, SCHEDULE 3 is up to date with all changes known to be in force on or before 20 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 41 s.74\(1\)Sch.12 para.20\(1\)](#)
- Instrument rev. in pt. by [1998 c. 41 s.74\(3\)Sch.14 Pt. II](#)