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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 160**

**The Waste Management Licences (Consultation and Compensation) Regulations (Northern Ireland) 2008**

**Payment of compensation and determination of disputes**

8.—(1) Compensation payable under Article 7 in respect of an interest which is subject to a mortgage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and shall, in either case, be applied by him as if it were proceeds of sale.

(2) Amounts of compensation determined under these Regulations shall be payable—

- (a) where the holder of the licence and the grantor or mortgagee agree that a single payment is to be made on a specified date, on that date;
- (b) where the holder of the licence and the grantor or mortgagee agree that payment is to be made in instalments at different dates, on the date agreed as regards each instalment;
- (c) in any other case, subject to any direction of the Lands Tribunal, or the court, as soon as reasonably practicable after the amount of the compensation has been finally determined.

(3) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

(4) In relation to the determination of any such question, Articles 4 (procedure on references under Article 3) and 5 (costs) of the 1982 Order shall apply as if—

- (a) the reference in Article 4(1) of the 1982 Order to Article 3 of that Order were a reference to paragraph (3) of this regulation;
- (b) paragraph (3) of Article 5 of the 1982 Order were omitted; and
- (c) references in Article 5 of the 1982 Order to the acquiring authority were references to the holder of the licence.