

SCHEDULE 2

Transitional provisions

Transitional provisions: compensation

5.—(1) This paragraph applies to anything done by, to or in relation to the Department before the transfer date in connection with any of its functions under the 1991 Order (or any order or regulation made under the 1991 Order) which gives rise to a right to compensation under the provisions of the 1991 Order (or any order or regulation made under the 1991 Order), the Planning (Northern Ireland) Order 1972⁽¹⁾ or the Land Development Values (Compensation) Act (Northern Ireland) 1965⁽²⁾.

(2) Where this paragraph applies any person who is entitled to claim compensation from the Department but who has not made that claim before the transfer date may, on or after the transfer date, make that claim to the appropriate council in accordance with the time limits prescribed by the 1991 Order (or any order or regulation made under the 1991 Order), the Planning (Northern Ireland) Order 1972 (or any order or regulations made under that Order) or the Land Development Values (Compensation) Act (Northern Ireland) 1965 (or any order or regulations made under that Act) as if the action giving rise to the right to claim compensation had been done by, to or in relation to that council in connection with its functions under the 2011 Act (or any order or regulation made under the 2011 Act).

(3) Where the PAC makes a determination on an appeal against action taken by the Department under the provisions of the 1991 Order (or any order or regulation made or having effect under the 1991 Order) and that determination gives rise to a right to compensation the appropriate council shall be liable to pay the compensation.

(1) S.I. 1972/1634 (N.I. 17) as amended by S.I. 1991/1220 (N.I. 11), S.I. 2003/430 (N.I. 7), and 2011 c.25 (N.I.)

(2) 1965 c.23 (N.I.) as amended by S.I. 1991/1220 (N.I.), 2001 c.2 (N.I.) and 2011 c.25 (N.I.)