

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1934, Special Powers of [the Lands Tribunal]. (See end of Document for details)

SCHEDULES

SECOND SCHEDULE ^{F1}

ACQUISITION OF LAND BY VESTING ORDERS

F1 See note to s.22(2)

SPECIAL POWERS OF [^{F1} THE LANDS TRIBUNAL]

F1 1964 c.29 (NI)

- 13 (1) [^{F2} The Lands Tribunal] shall have the same power of apportioning any rent-service, rent-charge, chief, or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two justices have under the Lands Clauses Consolidation Act, 1845 .
- (2) [^{F2} The Lands Tribunal] in fixing the amount of compensation to be awarded may in the case of the severance of any house, building or manufactory, have regard to and take into account any loss or damage which has been occasioned by or may ensue from such severance and award compensation therefor in addition to the value of the part of the premises taken by the local authority.
- (3) Subject to the provisions of article twenty of this Schedule, the amount of purchase money or compensation to be paid in pursuance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845, in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by [^{F2} the Lands Tribunal], and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to [^{F2} the Lands Tribunal] before the day fixed for the delivery of statements of claims.
- If [^{F2} the Lands Tribunal] is satisfied that the failure or omission to purchase the said estate, right, interest, or charge, arose from any default on the part either of the claimant or of the local authority, [^{F2} the Lands Tribunal] may direct the costs to be paid by the party so in default.
- (4) In determining the amount of any disputed compensation [^{F2} the Lands Tribunal] shall have regard to the extent to which any remaining and contiguous lands and hereditaments, belonging to the same proprietor, may be benefited by the proposed work for which the land, to which the vesting order relates, is acquired by the local authority.
- (5) In determining the amount of any disputed compensation, [^{F2} the Lands Tribunal] shall not award any sum of money for or in respect of any improvement or alteration made, or building erected, after the date of the giving by the local authority of the

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notice prescribed for the purposes of article two of this Schedule, if, in the opinion of [^{F2} the Lands Tribunal], the improvement, alteration or building, in respect of which the claim is made, was made or erected with a view to obtaining or increasing compensation; nor, in the case of any estate or interest created after the said date in any land to which the vesting order relates, shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands.

Sub-para. (6) rep. by 1964 c. 29 (NI)

F2 1964 c.29 (NI)

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