



# Land Development Values (Compensation) Act (Northern Ireland) 1965

## 1965 CHAPTER 23

### PART II <sup>F1</sup>

#### <sup>F1</sup>COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

##### MEASURE OF COMPENSATION

#### 24 <sup>F2</sup> <sup>F1</sup>Recovery of compensation on subsequent development.

- (1) Where compensation exceeding fifty pounds becomes payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision—
  - (a) the Ministry shall serve on any person making a claim in relation to the compensation and on the planning authority to whom the application for planning permission was made a notice in the prescribed form containing particulars of the payment and, if an apportionment has been made under section 21, of that apportionment;
  - (b) the following condition shall be observed with respect to the relevant land and to every part of that land, namely, no relevant development shall be initiated thereon or therein until such amount, if any, of the compensation as is repayable under this section has been paid to or secured to the Ministry under this section.
- (2) The condition specified in subsection (1) and any notice served under that subsection shall be included amongst the matters which are required to be registered in the Statutory Charges Register ... <sup>F3</sup>.
- (3) Where any relevant development is to be carried out on any relevant land, the amount repayable under this section in respect of the compensation—
  - (a) if the land on which the relevant development is to be carried out (in this section referred to as “the development area” ) is identical with or includes

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- (with other land) the whole of the relevant land, shall be the amount of that compensation;
- (b) if the development area forms part of the relevant land, or includes part of that land together with other land, shall be so much of the compensation as is attributable to the development area in accordance with subsection (4).
- (4) In subsection (3)( *b*) the reference to so much of the compensation as is attributable to the development area is a reference—
- (a) where the compensation is not apportioned under section 21, to the amount of the compensation distributed rateably according to area over the relevant land;
- (b) where the compensation is so apportioned, to the amount of the compensation distributed in accordance with the apportionment between the different parts of the land by reference to which the apportionment is made, and so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part.
- (5) If any person initiates any relevant development on any relevant land without complying with the condition attached to that land by virtue of subsection (1)( *b*), the Ministry may serve a notice on him—
- (a) specifying the amount appearing to it to be the amount repayable under this section in respect of the compensation in question; and
- (b) requiring him to pay that amount within such period, not being less than three months after the service of the notice, as may be specified in the notice.
- (6) Where the Ministry is satisfied having regard to the probable value of any proper development of any relevant land, that such development is unlikely to be carried out unless the condition attached thereto by virtue of subsection (1)( *b*) is modified, it may in relation to any particular development remit the whole or part of any amount otherwise repayable to it under this section.
- (7) Where, in connection with the development of any land, an amount becomes repayable under this section, then, except where, and to the extent that, payment of that amount has been remitted under subsection (6), no amount shall be repayable under this section in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.
- (8) No amount shall become repayable under this section in respect of any compensation by reference to which a sum has become recoverable by the Ministry under section 38.
- (9) Where any of the following events occurs in relation to any relevant land, or any part thereof, that is to say—
- (a) an amount repayable under this section is repaid to the Ministry or secured to the Ministry under this section; or
- (b) an amount repayable under this section is remitted in part under subsection (6); or
- (c) an amount which, but for subsection (8), would otherwise be repayable under this section becomes recoverable by the Ministry under section 38;
- the Ministry shall notify the Registrar of Titles of that event, describing the land to which it relates and giving such further information as appears to the Ministry to be necessary for the purpose, and the Registrar shall note the information so provided in the entry relating to that land in the Statutory Charges Register.

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- (10) An amount repayable under this section shall be paid as a single capital payment, without interest, except that where the person seeking to initiate the relevant development makes representations to the Ministry in that behalf, the Ministry may direct that the amount shall be paid—
- (a) as a single capital payment, with interest, at such time as the Ministry may direct; or
  - (b) as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Ministry may direct.
- (11) An amount repayable under this section—
- (a) shall be payable to the Ministry;
  - (b) shall be recoverable by the Ministry as a civil debt; and
  - (c) shall, unless it is payable as a single capital payment without interest, be secured by the person by whom the development is to be carried out in such a manner (whether by mortgage, charge, bond or otherwise) as the Ministry may direct.
- (12) Where any person makes default in paying an amount repayable under this section as a single capital payment without interest, the Ministry may recover that amount, together with interest thereon at such rate as may for the time being be prescribed by an order under section 14 of the Administrative and Financial Provisions Act (Northern Ireland) 1956 , as a civil debt due to the Ministry.
- (13) Any interest payable by virtue of subsection (10) shall be at such rate as is prescribed by an order under section 14 of the Administrative and Financial Provisions Act (Northern Ireland) 1956 .
- (14) In this section—
- “proper development” means any development which the Ministry, ...<sup>F4</sup> considers to be desirable for securing the most appropriate planning of the area in question;
- “relevant development” means, subject to subsections (15) and (16), any new development—
- (a) which is development of a residential, commercial or industrial character and consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof; or
  - (b) which, having regard to the probable value of the development, the Ministry determines should constitute relevant development for the purposes of this section;
- “relevant land” means any land in respect of which a notice has been served under subsection (1); and
- any reference to a sum which becomes recoverable under section 38 includes a reference to a sum which would be so recoverable but for subsection (4) of that section.
- (15) The Ministry shall not have power to make a determination under paragraph ( b ) of the definition of relevant development in relation to any development if, on an application made to the Ministry for the purpose, the Ministry has certified that, having regard to the probable value of the development, it is not reasonable that the development should constitute relevant development for the purposes of this section.

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- (16) Where any person is aggrieved by the refusal of the Ministry to issue a certificate under subsection (15), he may apply to the Lands Tribunal for a certificate for the purposes of that subsection, and any certificate issued by that Tribunal shall have the like effect as a certificate of the Ministry under that subsection.
- (17) Where any such compensation as is referred to in subsection (1) became payable in respect of the imposition of conditions on the granting of planning permission to develop any land, “relevant development” does not include the development for which that permission was granted.

<b>F1</b>	rep. with saving by <a href="#">2001 c. 2 (NI)</a>
<b>F2</b>	<a href="#">1972 NI 17</a>
<b>F3</b>	<a href="#">1970 c. 18 (NI)</a>
<b>F4</b>	<a href="#">1972 NI 17</a>

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