



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

1965 CHAPTER 23

PART IV

MISCELLANEOUS PROVISIONS

43 Interpretation.

(1) In this Act—

Definition rep. by 1972 NI 17

“the Act of 1944” means the Planning (Interim Development) Act (Northern Ireland) 1944 ;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

Definitions rep. by 2001 c. 2 (NI)

“clearing”, in relation to land, means the removal of buildings or materials from the land or the levelling of the surface of the land;

“compensatable estate” means—

- a legal fee simple absolute; or
- a tenancy;

but does not include a legal fee simple absolute to which a person is entitled as a mortgagee, and section 45(2) of the Interpretation Act (Northern Ireland) 1954 shall not apply for the purposes of this Act;

“erection” in relation to buildings includes extension, alteration and re-erection;

“estate” means—

- a legal or equitable life estate;
- a legal or equitable fee tail;
- a legal or equitable fee simple absolute;

Changes to legislation: There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 43. (See end of Document for details)

a tenancy; or
 an equity of redemption in relation to a mortgage of any of the above estates;

but does not include a legal or equitable life estate, fee tail or fee simple absolute to which a person is entitled as a mortgagee;

“land” means any corporeal hereditament, including a building, and accordingly section 45(1) of the Interpretation Act (Northern Ireland) 1954 shall not apply for the purposes of this Act;

“the Lands Tribunal” means the Lands Tribunal for Northern Ireland;

[^{F1} “local authority” means a district council;]

“minerals” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include turf cut for purposes other than sale;

“the Ministry” means the Ministry of Development^{F2};

“mortgage” includes (without prejudice to subsection (8)) any charge or lien on any property for securing money or money's worth;

“new development” means development which is not of a class specified in Schedule 1;

[^{F3} “the Order of 1972” means the Planning (Northern Ireland) Order 1972 ;]

“Part II compensation” means any compensation payable under Part II;

“Part III compensation” means any compensation payable under section 26^{F4} . . . ;

Definition rep. by 1972 NI 17

“planning decision” means a decision given on an interim development application [^{F3} or an application under [^{F5}Part 3 of the Planning Act]];

[^{F6} “ the Planning Act ” means the Planning Act (Northern Ireland) 2011;]

[^{F7}“the Planning Order” means the Planning (Northern Ireland) Order 1991;]

“possession” includes the receipt of rents and profits, or the right to receive them;

“prescribed” means prescribed by regulations under this Act;

“public body” means one of the following, that is to say:—

an authority all the members of which are appointed or elected by one or more local authorities;

a department of the Government of Northern Ireland;

an industrial training board established under section 1 of the Industrial Training Act (Northern Ireland) 1964 ;

a local authority;

...

^{F8}[^{F9} a new town commission established under the New Towns Act (Northern Ireland) 1965 ;]

[^{F10}the Northern Ireland Fire and Rescue Service Board];

the Northern Ireland General Health Services Board^{F11};

the Northern Ireland Hospitals Authority^{F11};

[^{F9} the Northern Ireland Housing Executive;]

the Northern Ireland Housing Trust^{F12};

the Northern Ireland Training Executive;

the Northern Ireland Youth Employment Service Board^{F13};

[^{F9} the Police Authority for Northern Ireland;]

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the Trustees of the Ulster Folk Museum^{F14};

the Trustees of the Ulster Museum;

“settlement” has the same meaning as in the Settled Land Acts 1882 to 1890 and accordingly section 2(2) of the Settled Land Act 1882 has effect for the purposes of this Act as it has effect for the purposes of that Act;

“statutory provision” has the same meaning as in the Interpretation Act (Northern Ireland) 1954 ;

“tenancy” includes a tenancy created by an agreement for a lease and a tenancy created under any enactment but does not include—

(a) a mortgage term; or

(b) a tenancy for a year (or any shorter term) or from year to year (or any other periodic tenancy having reference to any period less than a year);
or

(c) a tenancy at will;

“trustee” includes an implied or constructive trustee and a personal representative;

“trustees of the settlement” means the trustees of a settlement for the purposes of the Settled Land Acts 1882 to 1890;

“war damage” has the same meaning as in the War Damage Act 1943 ;

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- ...
- (2) Where under this Act any statutory provision (including any section or other division of this Act) is applied for any of the purposes of this Act, that statutory provision shall be construed so that its application for those purposes is grammatical and effective.
- (3) For the purposes of this Act—
- (a) where a compensatable estate in any land is mortgaged; and
- (b) but for this subsection, any person entitled to an equity of redemption in relation to that compensatable estate would not be entitled to a compensatable estate in that land;
- that person shall be taken to be entitled to the compensatable estate in the land to which he would be entitled if he redeemed the mortgage.
- (4) For the purposes of this Act, where a compensatable estate in land is vested in any beneficiaries under a settlement, the interests vested in the beneficiaries shall be taken to constitute the compensatable estate which would exist if those interests were vested in one person and constituted one interest; and the beneficiaries shall^{F4} . . . be taken to be entitled to that interest.
- (5) Any reference in this Act to a contract is a reference to a contract in writing, or a contract of which a memorandum or note thereof in writing has been made and signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to a compensatable estate in land conveyed or assigned without a preliminary contract, is a reference to the conveyance or assignment; and any reference to the making of a contract is a reference to the signing thereof or (if it was not in writing) to the signing of the memorandum or note thereof.
- (6) Where—
- (a) under any provision of this Act, a document or notice is required to be served on a person entitled to an estate in any land; and

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- (b) it is not practicable, after reasonable inquiry, to ascertain the name or address of any such person;

that document or notice shall be taken to have been duly served if it is addressed to that person by his name, if known to the Ministry, or if his name is not so known, if it is addressed to “all persons entitled to an estate” in the land (describing it) and in either case by delivering the document or notice to some responsible person on the land or, if there is no such person on the land to whom it may be delivered, by affixing the document or notice or a copy thereof so addressed to a conspicuous object on the land.

- (7) Where under any provision of this Act the value of an estate in any land is required to be assessed on the assumption that planning permission would be granted for development other than new development that assumption shall be made on the footing that any such development must comply with the provisions of any statutory provision, other than the Planning Acts (Northern Ireland) 1931^{F16} and 1944^{F16}, which would be applicable thereto.
- (8) In the application of this Act to registered land in respect of which a charge for the payment of a principal sum has been created under section 40^{F17} of the Local Registration of Title (Ireland) Act 1891
- (a) any reference to a mortgage shall be construed as a reference to the charge;
- (b) any reference to a mortgagee shall be construed as a reference to the registered owner of the charge.

F1 1978 NI 18

F2 Functions transf.SRO (NI) 1973/504; 1976 NI 6

F3 1972 NI 17

F4 2001 c. 2 (NI)

F5 Words in s. 43(1) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 4 para. 7](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F6 Words in s. 43(1) inserted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 4 para. 7](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F7 1991 NI 11

F8 1966 c. 28 (NI)

F9 1971 c. 23 (NI)

F10 Words in s. 43(1) in definition of "public body" substituted (1.7.2006) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(1), [Sch. 3 para. 3](#); S.R. 2006/257, [art. 2\(d\)](#)

F11 1972 NI 14

F12 SR 1971/307

F13 1974 NI 7

F14 1973 NI 7; 1981 NI 14

F15 1972 NI 17

F16 1972 NI 17

F17 1970 c. 18 (NI)

Changes to legislation:

There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 43.