



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

## 1965 CHAPTER 23

### PART I<sup>F1</sup>

#### DEVELOPMENT VALUE OF LAND

#### 5<sup>F2</sup> <sup>F1</sup>Applications for ascertainment of development value.

- (1) Subject to the provisions of this Part, any of the following persons, namely:—
- (a) any person in whom an estate in any land is vested in possession at the specified date, by virtue of which he—
    - (i) is in the actual possession of the land at that date; and
    - (ii) is entitled to remain in the actual possession of the land for a period of not less than five years beginning with that date;
  - (b) any person in whom an estate in any land is vested in interest or possession at the specified date by virtue of which he will be entitled to enter into the actual possession of the land within the period of forty years beginning with the specified date;
  - (c) the personal representatives of any deceased person if, at the specified date, an estate in land to which the deceased person was entitled is vested in them and, but for his death, the deceased person would have been entitled to remain in, or to enter into, the actual possession of the land as mentioned in paragraph (a)(ii) or (b), as the case may be;
  - (d) any trustees (other than the personal representatives, as such, of a deceased person) in whom an estate in any land is vested in interest or possession at the specified date, if any beneficiary under the trust is entitled to remain in, or will be entitled to enter into, the actual possession of the land as mentioned in paragraph (a)(ii) or (b), as the case may be;
  - (e) the trustees of a settlement, if at the specified date an estate in any land is under the settlement vested in the beneficiaries in interest or possession and one or more of the beneficiaries are entitled to remain in, or will be entitled

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*Status: Point in time view as at 08/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 5. (See end of Document for details)*

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to enter into, the actual possession of the land as mentioned in paragraph ( a ) (ii) or ( b ), as the case may be;

- (f) any person who is entitled to any compensation under Part II in relation to a planning decision given before the specified date;

may make an application to the Ministry requiring it to ascertain the development value of that land or any specified part thereof (in this Act referred to as a “Part I application”).

- (2) Where—

- (a) it is necessary to determine whether any person is, by virtue of any estate in land, entitled to remain in the actual possession of the land for a period of not less than five years beginning with the specified date or whether he will, by virtue of any estate in land, be entitled to enter into the actual possession of the land within the period of forty years beginning with that date; and
- (b) an event may occur within the said period of five years or forty years by reason of which he would cease to be entitled to the actual possession of the land or would become entitled to the actual possession of the land;

then, for the purposes of subsection (1), he shall be taken to be entitled to remain in the actual possession of the land for the said period of five years, or as the case may be, to enter into the actual possession of the land within the said period of forty years.

- (3) Where it is necessary to determine any such question as is referred to in paragraph ( a ) of subsection (2) in relation to any land in which a tenancy subsists, that question shall, notwithstanding the provisions of that subsection, be determined on the basis that the tenant will at all times pay the rent and perform his other obligations under the tenancy.

- (4) Where—

- (a) an estate in land is the subject of a trust or settlement; and
- (b) the trustees of the trust or settlement make a Part I application in relation to that land;

then, if but for this subsection, the beneficiaries under the trust or settlement would have been entitled to make a Part I application in relation to that land, they shall not make such an application and, if they have made such an application in relation to that land before the date on which the trustees make an application, they shall be treated as if they had not made the application.

- (5) Where a person—

- (a) makes a Part I application in relation to any land (in this section and in section 6 referred to as “the designated land” ); and
- (b) gives notice of the application in the prescribed form to any person who is entitled to make a Part I application in relation to the designated land or any part thereof;

the person referred to in paragraph ( b ) shall not make a Part I application in relation to the designated land or the part thereof after the expiration of the period of three months beginning with the date on which the notice is served on him.

- (6) Where two or more Part I applications are made in respect of contiguous or adjacent areas of land which are held under the same instrument, the Ministry may direct that those applications shall be dealt with together and treated as if they were one application in relation to all the land included in the applications.

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- (7) Where a person entitled to make a Part I application in relation to any land makes such an application in respect of part only of that land, then, notwithstanding anything in this Part or in any regulations made under section 7, he shall not make a Part I application in respect of any other land contiguous or adjacent to that part after the date on which any development value is determined in relation to that part.
- (8) For the purposes of this section an administrator of the estate of a person who died before the specified date shall be deemed to be entitled to any estate in land to which the deceased person was entitled as if there had been no interval of time between the date of the death of the deceased person and the grant of letters of administration.
- (9) Where any person makes a Part I application, then any person to whom he conveys an estate in the land may, with the consent in writing of the first-mentioned person, act in relation to that application in his place.
- (10) Where any dispute arises under this section it shall be referred to the Lands Tribunal for determination.
- (11) In this section “convey” includes lease, and transfer by an assent, and “the specified date” means the day on which a period of three months beginning with the passing of this Act expires.

**F1** rep. with saving by [2001 c. 2 \(NI\)](#)

**F2** [1972 NI 17](#)

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