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STATUTORY INSTRUMENTS

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**1981 No. 608**

**The Planning Blight (Compensation)  
(Northern Ireland) Order 1981**

*Special cases*

**Mortgagees**

**12.**—(1) Subject to paragraphs (2) to (5), a person may serve a blight notice on the appropriate authority under and in accordance with this Order where he claims that—

- (a) he is entitled as mortgagee, by virtue of a power which has become exercisable, to sell an interest in a hereditament or agricultural unit comprised in land of any of the specified descriptions, giving immediate vacant possession of the land; and
- (b) he has complied with the requirements specified in Article 5(1)(b) and (c) in relation to that interest.

(2) Article 5(2) applies to the interest of a mortgagee as it applies to an interest which qualifies for protection under Article 4.

(3) A mortgagee shall not serve a blight notice unless one or other of the following conditions is satisfied with regard to the interest which the mortgagee claims he has the power to sell, namely;—

- (a) the interest could be the subject of a blight notice under Article 5 served by the person entitled thereto on the date of service of a notice under this Article; or
- (b) the interest could have been the subject of such a notice by that person on a date not more than six months before the date of service of a notice under this Article.

(4) No blight notice under this Article shall be served in respect of a hereditament or agricultural unit, or any part of a hereditament or agricultural unit at a time when a notice already served under Article 5 is outstanding in respect of that hereditament, unit or part; and no notice shall be so served under Article 5 when a notice under the Article is so outstanding.

(5) For the purposes of paragraph (4), a blight notice shall be treated as outstanding until—

- (a) it is withdrawn; or
- (b) an objection to the notice having been made by a counter-notice under Article 6 either—
  - (i) the period of two months specified in Article 7 elapses without the claimant having required the objection to be referred to the Lands Tribunal; or
  - (ii) the objection, having been referred to the Lands Tribunal, is upheld by the Tribunal.

**Partnerships**

**13.**—(1) This Order applies to a hereditament or agricultural unit occupied for the purposes of a partnership firm subject to paragraphs (2) and (3).

(2) Occupation for the purposes of the firm shall be treated as occupation by the firm, and not as occupation by any one or more of the partners individually, and the definition of “owner-occupier” in Article 4 shall apply in relation to the firm accordingly.

(3) If after the service of a blight notice by the firm any change occurs (whether by death or otherwise) in the constitution of the firm, any proceedings, rights or obligations consequential upon that notice may be carried on or exercised by or against, or (as the case may be) shall be incumbent upon, the partners for the time being constituting the firm.

(4) Paragraph (2) does not affect the definition of “resident owner-occupier” in Article 4.

### **Personal representatives**

**14.**—(1) Where the whole or part of a hereditament or agricultural unit is comprised in land of any of the specified descriptions, and a person claims that—

- (a) he is the personal representative of a person (“the deceased”) who at the date of his death was entitled to an interest in that hereditament or unit; and
- (b) the interest was one which would have qualified for protection under this Order if a notice under Article 5 had been served in respect thereof on that date; and
- (c) he has made reasonable endeavours to sell that interest; and
- (d) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be comprised in land of any of the specified descriptions, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land; and
- (e) one or more individuals are (to the exclusion of any body corporate, beneficially entitled to that interest, he may serve on the appropriate authority a blight notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Order.

(2) Paragraph (1) applies to an interest in part of a hereditament or agricultural unit, but this paragraph does not enable any person—

- (a) if the deceased was entitled to an interest in the entirety of a hereditament or agricultural unit, to make any claim or serve a blight notice in respect of the deceased's interest in part of the hereditament or unit; or
- (b) if the deceased was entitled to an interest only in part of a hereditament or agricultural unit, to make any claim or serve a blight notice in respect of the deceased's interest in less than the entirety of that part.

(3) Subject to Article 10(2), the grounds on which objection may be made in a counter-notice under Article 6 to a notice under this Article are those specified in sub-paragraphs (a) to (c) of paragraph (2) of that Article and, in a case to which it applies, the grounds specified in sub-paragraph (g) of that paragraph and also the following grounds—

- (a) that the claimant is not the personal representative of the deceased or that, on the date of the deceased's death, the deceased was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;
- (b) that (for reasons specified in the counter-notice) the interest of the deceased is not such as is specified in paragraph (1)(b);
- (c) that a condition specified in paragraph (1)(c), (d) or (e) is not fulfilled.

(4) For the purposes of Article 12(4) and (5), a blight notice served under this Article shall be treated as a blight notice under Article 5.

### Death of claimant after service of blight notice

15. In relation to any time after the death of a person who has served a blight notice, Articles 3 to 14 apply as if any reference therein to the claimant were a reference to his personal representatives.

### [<sup>F1</sup>Application to Crown land

15A.—(1) The rights conferred by this Order shall be exercisable by a person who is an owner#occupier of a hereditament or agricultural unit which is Crown land, or is a resident ownerdash;occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and this Order shall apply accordingly.

(2) In paragraph (1) “Crown land” has the same meaning as in [<sup>F2</sup>Part 11 of the Planning Act].]

**F1** 1990 NI 14

**F2** Words in art. 15A(2) 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. 6 para. 37](#) (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)

*Article 16—Amendments and repeals*

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning Blight (Compensation) (Northern Ireland) Order 1981, Cross Heading: Special cases.