



2011 CHAPTER 25

Part 8

Further provisions as to historic buildings

Compulsory acquisition of listed buildings

202.—(1) If it appears to the Department that, in the case of a listed building to which this subsection applies, reasonable steps are not being taken for properly preserving it, the Department may, if it considers it expedient in order to preserve the building, compulsorily acquire the building and any land comprising or contiguous or adjacent to it which appears to the Department to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.

(2) Subsection (1) applies to any listed building, except—

- (a) a building which is under the guardianship of the Department under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (NI 9); or
- (b) a building for the time being included in the schedule of monuments compiled and maintained under Article 3 of that Order.

(3) Where the Department desires to acquire, otherwise than by agreement, any land under subsection (1), the Department may make an order vesting that land in the Department and Articles 87 to 93 of the Planning (Northern Ireland) Order 1991 (NI 11) shall, with any necessary modifications, apply in relation to such acquisitions accordingly as those Articles apply to acquisitions of the Department for Social Development.

(4) The Department must not commence proceedings for the compulsory acquisition of a building under this section unless at least two months previously

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 202. (See end of Document for details)

it has served on the owner of the building, and not withdrawn, a notice (in this section referred to as a “repairs notice”)—

- (a) specifying the works which the Department considers reasonably necessary for the proper preservation of the building; and
- (b) explaining the effect of this section.

(5) Where the Department has served a repairs notice, the demolition of the building after the service of the notice shall not prevent the Department from being authorised under this section to acquire compulsorily the site of the building, if the Department is satisfied that it would have made a vesting order in respect of the building had it not been demolished.

(6) The Department may at any time withdraw a repairs notice served by it; and if it does so, it shall, as soon as reasonably possible, give notice of the withdrawal to the person who was served with the repairs notice.

(7) This section does not permit the acquisition of any estate in Crown land unless—

- (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and
- (b) the appropriate authority consents to the acquisition.

(8) “Appropriate authority” and “Crown land” shall be construed in accordance with section 212(1).

Commencement Information

- I1** S. 202 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49, art. 2, Sch. 1](#)
- I2** S. 202 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

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