STATUTORY INSTRUMENTS

1973 No. 1896

Land Acquisition and Compensation (Northern Ireland) Order 1973

PART V

COMPULSORY ACQUISITION

Severance of land

Effect of notice under Article 50

51.—(1) If the acquiring authority do not within the period of two months beginning with the date of service of a notice under Article 50 agree in writing to accept the notice as valid, the claimant or the authority may, within two months after the end of that period, refer it to the Lands Tribunal; and on any such reference the Tribunal shall determine whether the claim in the notice is justified and declare the notice valid or invalid.

(2) Where a notice is accepted as, or declared to be, valid under paragraph (1) the acquiring authority shall be deemed—

    (a) to be authorised to acquire compulsorily, under the statutory provision by virtue of which they are empowered to acquire the land in respect of which the vesting order relates, the claimant's interest in the land to which the requirement in the notice relates; and

    (b) at the end of six weeks beginning with the date as mentioned in paragraph (3), to have entered into a contract to purchase the claimant's interest in that land on the date on which the vesting order becomes operative.

(3) A claimant may withdraw a notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been agreed between the parties or determined by the Lands Tribunal or at any time before the end of six weeks beginning with the date on which the compensation is so agreed or determined; and where a notice is withdrawn by virtue of this paragraph any contract deemed to have been made in consequence thereof shall be deemed not to have been made.

(4) The compensation payable in respect of the acquisition of an interest in land in pursuance of a notice served under Article 50 shall be assessed on the assumptions mentioned in Article 8(2), (3) and (4) as if the claimant's interest in the land to which such notice relates was compulsorily acquired.

(5) Where by virtue of this Article the acquiring authority become, or will become, entitled to a lease of any land but not to the interest of the lessor—

    (a) the authority shall offer to surrender the lease to the lessor on such terms as the authority consider reasonable;

    (b) the question of what terms are reasonable may be referred to the Lands Tribunal by the authority or the lessor and, if at the expiration of three months after the date of the offer mentioned in paragraph (*a*), the authority and the lessor have not agreed on that question

and that question has not been referred to the Tribunal by the lessor, it shall be so referred by the authority;

(c) if that question is referred to the Tribunal, the lessor shall be deemed to have accepted the surrender of the lease at the expiration of one month after the date of the determination of the Tribunal or on such other date as the Tribunal may direct and to have agreed with the authority on the terms of surrender which the Tribunal has held to be reasonable;

and for the purposes of this paragraph any terms as to surrender contained in the lease shall be disregarded.

(6) Where the lessor refuses to accept any sum payable to him by virtue of paragraph (5), or refuses or fails to make out his title to the satisfaction of the acquiring authority, the authority may pay into court any sum payable to the lessor by virtue of that paragraph; and paragraph 17 of Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply to that sum with the necessary modifications.

(7) Where an acquiring authority who become entitled to the lease of any land as mentioned in paragraph (5) are a body incorporated by or under any statutory provision the corporate powers of the authority shall, if they would not otherwise do so, include power to farm that land.