
STATUTORY INSTRUMENTS

1981 No. 608

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

Special cases

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.

Changes to legislation:

There are currently no known outstanding effects for the The Planning Blight (Compensation) (Northern Ireland) Order 1981, Section 14.