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STATUTORY INSTRUMENTS

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**1981 No. 608**

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

*Blight notices in respect of whole agricultural units*

**Blight notice requiring purchase of whole agricultural unit**

9.—(1) Where a blight notice is served in respect of an interest in the whole or part of an agricultural unit and on the date of service that unit or part contains land (in this Order referred to as “the unaffected area”) which does not fall within any of the specified descriptions as well as land which does so, the claimant may include in the notice—

- (a) a claim that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and
  - (b) a requirement that the appropriate authority shall purchase his interest in the whole of the unit or, as the case may be, in the whole of the part of it to which the notice relates.
- (2) Subject to Article 10(3), “otherwise relevant land” in paragraph (1) means—
- (a) land comprised in the remainder of the agricultural unit if the blight notice is served only in respect of part of it;
  - (b) land comprised in any other agricultural unit occupied by the claimant on the date of service, being land in respect of which he is then entitled to an owner's interest as defined in Article 4(5).

**Objection to blight notice requiring purchase of whole agricultural unit**

10.—(1) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of Article 9 shall include the ground that the claim made in the notice is not justified.

(2) Objection shall not be made to a blight notice served by virtue of Article 9 on the ground mentioned in Article 6(2)(c) unless it is also made on the ground mentioned in paragraph (1); and the Lands Tribunal shall not uphold an objection to any such notice on the ground mentioned in Article 6(2)(c) unless it also upholds the objection on the ground mentioned in paragraph (1).

(3) Where objection is made to a blight notice served by virtue of Article 9 on the ground mentioned in paragraph (1) and also on that mentioned in Article 6(2)(c), the Lands Tribunal, in determining whether or not to uphold the objection, shall treat that part of the affected area which is not specified in the counter-notice as included in “other relevant land” as defined in Article 9(2).

(4) If the Land Tribunal upholds an objection but only on the ground mentioned in paragraph (1), the Tribunal shall declare that the blight notice is a valid notice in relation to the affected area but not in relation to the unaffected area.

(5) If the Tribunal upholds an objection both on the ground mentioned in paragraph (1) and on that mentioned in Article 6(2)(c) (but not on any other ground) the Tribunal shall declare that the blight notice is a valid notice in relation to the part of the affected area specified in the counter-notice

as being the part which the appropriate authority proposes to acquire as therein mentioned but not in relation to any other part of the affected area or in relation to the unaffected area.

(6) Article 7(6) shall not apply to any blight notice served by virtue of Article 9.

#### **Effect of blight notice requiring purchase of whole agricultural unit**

**11.**—(1) Article 8 (6) shall not apply to a blight notice served by virtue of Article 9.

(2) Where a counter-notice has been served objecting to a blight notice on the ground mentioned in Article 10(1), then if either—

- (a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he withdraws his claim as to the unaffected area; or
- (b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with Article 10(4),

Article 8(1) shall have effect in relation to the interest of the claimant in so far as it subsists in the affected area (but not in so far as it subsists in the unaffected area) except that in a case falling within sub-paragraph (a) the date of acceptance shall be the date on which notice is given by the claimant under that sub-paragraph.

(3) Where a counter-notice has been served objecting to a blight notice on the ground mentioned in Article 10(1) and also on the grounds mentioned in Article 6(2)(c) then if either—

- (a) the claimant, without referring that objection to the Lands Tribunal and before the time for so referring it has expired, gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice and withdraws his claim as to the remainder of that area and as to the unaffected area; or
- (b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with Article 10(5) in respect of that part of the affected area;

Article 8(1) shall have effect in relation to the interest of the claimant in so far as it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area or in the unaffected area) except that in a case falling within sub-paragraph (a) the date of acceptance shall be the date on which notice is given by the claimant under that sub-paragraph.

(4) The compensation payable in respect of the acquisition by virtue of this Article of an interest in land comprised in—

- (a) the unaffected area of an agricultural unit; or
- (b) if a counter-notice has been served objecting to the blight notice on the grounds mentioned in Article 6(2)(c) so much of the affected area of the unit as is not specified in the counter-notice,

shall be assessed on the assumptions mentioned in Article 8(2), (3) and (4) of the Land Acquisition and Compensation (Northern Ireland) Order 1973.

(5) In relation to a blight notice served by virtue of Article 9, any reference to the appropriate authority shall be construed as if the unaffected area of an agricultural unit were part of the affected area.

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning Blight (Compensation) (Northern Ireland) Order 1981, Cross Heading: Blight notices in respect of whole agricultural units.