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STATUTORY INSTRUMENTS

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**1982 No. 712**

**The Land Compensation (Northern Ireland) Order 1982**

**PART III**

**PROVISIONS DETERMINING AMOUNT OF COMPENSATION**

*Special cases*

**Compensation for disturbance where business carried on by person over sixty**

**11.**—(1) Where a person is carrying on a trade or business on any land and, in consequence of its compulsory acquisition of the whole of that land is required to give up possession of the land to the acquiring authority, then if—

- (a) on the date on which he gives up possession he has attained the age of sixty; and
- (b) on that date the land is or forms part of a hereditament the annual value of which does not exceed the prescribed amount; and
- (c) that person has not disposed of the goodwill of the whole of the trade or business and gives to the acquiring authority the undertakings mentioned in paragraph (3),

the compensation to be paid to that person in respect of the compulsory acquisition of his interest in the land or, as the case may be, under section 121 of the Lands Clauses Consolidation Act 1845 shall, so far as attributable to disturbance, be assessed on the assumption that it is not reasonably practicable for that person to carry on the trade or business, or, as the case may be, the part of the goodwill of that trade or business which he has retained, elsewhere than on that land.

(2) In paragraph (1) “the prescribed amount” means the amount which on the date mentioned in that paragraph is the amount set out in Article 4 (1) (b) of the Planning Blight (Compensation) (Northern Ireland) Order 1981<sup>F1</sup> (interests qualifying for protection under planning blight provisions) and “annual value” and “hereditament” have the same meanings as in Article 2 (2) of that Order taking references to the date of service of a blight notice under Article 5 of that Order as references to the date mentioned in paragraph (1).

(3) The undertakings to be given by the person claiming compensation are—

- (a) an undertaking that he will not dispose of the goodwill of the trade or business or, as the case may be, of the part of the goodwill of that trade or business which he has retained; and
- (b) an undertaking that he will not, within such area and for such time as the acquiring authority may require, directly or indirectly engage in or have any interest in any other trade or business of the same or substantially the same kind as that carried on by him on the land acquired.

(4) If an undertaking given by a person for the purposes of this Article is broken an amount equal to the difference between the compensation paid and the compensation that would have been payable if it had been assessed without regard to the provisions of this Article shall be a debt recoverable summarily by the acquiring authority from that person.

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**Changes to legislation:** *The Land Compensation (Northern Ireland) Order 1982, Section 11 is up to date with all changes known to be in force on or before 05 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(5) This Article shall apply to a trade or business carried on by two or more persons in partnership as if references to the person by whom it is carried on were references to all the partners and as if the undertakings mentioned in paragraph (3) were required to be given by all the partners.

(6) This Article shall apply to a trade or business carried on by a company—

(a) as if paragraph (1) (a) required—

(i) each shareholder, other than a minority shareholder, to be an individual who has attained the age of sixty on the date there mentioned; and

(ii) each minority shareholder to be an individual who either has attained that age on that date or is the spouse of a shareholder who has attained that age on that date; and

(b) as if the undertaking mentioned in paragraph (3) (b) were required to be given both by the company and by each shareholder.

(7) In paragraph (6) “shareholder” means a person who is beneficially entitled to a share or shares in the company carrying voting rights and “minority shareholder” means a person who is so entitled to less than 50 per cent of those shares.

**F1** [1981 NI 16](#)

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(2)-(4) applied (by S.I. 1996/725 (N.I.), art. 18B 18C (as inserted)) by [2022 c. 46 s. 64\(2\)](#)