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STATUTORY INSTRUMENTS

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**1982 No. 712**

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

**PART VI**

**MISCELLANEOUS AND GENERAL**

**Right to advance payment of compensation**

**19.**—(1) Where a vesting order has become operative the acquiring authority shall, if a request in that behalf is made in accordance with paragraph (2), make an advance payment on account of the compensation payable by them for the compulsory acquisition of any interest in that land.

(2) Any request under this Article shall be made by the person entitled to the compensation (in this Article referred to as “the claimant”), shall be in writing, shall give particulars of the claimant's interest in the land and shall be accompanied or supplemented by such other particulars as the acquiring authority may reasonably require to enable it to estimate the amount of the compensation in respect of which the advance payment is to be made.

(3) Subject to paragraph (6), the amount of any advance payment under this Article shall be equal to 90 per cent of the following amount, that is to say—

- (a) if the acquiring authority and the claimant have agreed on the amount of the compensation, the agreed amount;
- (b) in any other case, an amount equal to the compensation as estimated by the acquiring authority.

(4) Any advance payment under this Article shall be made not later than three months after the date on which a request for the payment is made in accordance with paragraph (2).

(5) Where an advance payment is made on the basis of an estimate under paragraph (3) (b) and the amount of that payment exceeds the compensation as finally determined or agreed, the excesses shall be repaid; and if after an advance payment has been made to any person it is discovered that he was not entitled to it the amount of the payment shall be a debt recoverable summarily by the acquiring authority from the claimant.

(6) No advance payment shall be made on account of compensation payable in respect of any land which is subject to a mortgage the principal of which exceeds 90 per cent of the amount mentioned in paragraph (3); and where the land is subject to a mortgage the principal of which does not exceed 90 per cent of that amount, the advance payment shall be reduced by such sum as the acquiring authority considers will be required by it for securing the release of the interest of the mortgagee.

(7) Any advance payment on account of compensation in respect of an interest which is settled land for the purposes of the Settled Land Acts 1882 to 1890 shall be made to the persons entitled to give a discharge for capital money and shall be treated as capital money arising under those Acts.

**Changes to legislation:**

The Land Compensation (Northern Ireland) Order 1982, Section 19 is up to date with all changes known to be in force on or before 26 December 2023. 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.

[View outstanding changes](#)

**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\(2\)](#)