

STATUTORY INSTRUMENTS

1991 No. 1220

The Planning (Northern Ireland) Order 1991

PART XIII

MISCELLANEOUS AND SUPPLEMENTARY

Grants for research and bursaries

^{F1}119.

F1 Art. 119 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with [s. 211](#)); [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

Grants to bodies providing assistance in relation to certain development proposals

^{F2}120.

F2 Art. 120 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with [s. 211](#)); [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

Rights of entry

121 ^{F3}—(1) Any person duly authorised in writing by the Department may at any reasonable time enter any land for the purpose—

(a) of surveying it in connection with—

^{F4}(i)

^{F4}(ii)

(iii) the preparation, adoption or amendment of a development scheme relating to the land under Part VII;

^{F5}(iv)

^{F5}(v)

^{F6}(b)

^{F6}(c)

^{F6}(d)

Sub-para. (e) rep. by 2003 NI 8

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(2) Any member of the planning appeals commission may at any reasonable time enter any land for the purpose of surveying it in connection with the exercise of the functions of the commission under this Order.

(3) Any person, being an officer of the Valuation Office of the Department of Finance and Personnel or a person duly authorised in writing by the Department, may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—

- (a) any proposal to acquire that land or any other land under this Order or any claim for compensation in respect of any such acquisition;

^{F7}(b)

(4) Any power conferred by this Article to survey land shall be construed as conferring power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein, but a person shall not carry out any works authorised by virtue of this paragraph unless notice of his intention to do so was included in the notice required by Article 122(1)(b).

^{F8}(5) Where it is proposed to search or bore in pursuance of paragraph (4) in a street within the meaning of the Street Works (Northern Ireland) Order 1995—

- (a) Article 15 of that Order (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works;
- (b) Article 29 of that Order (requirements to be complied with where works likely to affect another person's apparatus in the street); and
- (c) Article 42 of that Order (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of that Order.]

F3 functions transferred SR 1999/481

F4 Art. 121(1)(a)(i)(ii) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F5 Art. 121(1)(a)(iv)(v) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F6 Art. 121(1)(b)(c)(d) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F7 Art. 121(3)(b) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F8 [1995 NI 19](#)

Supplementary provisions as to powers of entry

122 ^{F9}—(1) A person authorised or permitted under Article 121 to enter upon any land—

- (a) shall, if so required, produce evidence of his authority or of his appointment as a member of the planning appeals commission^{F10} and state the purpose of his entry] before so entering;
- (b) shall not demand admission as of right to any land which is occupied unless three days' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under Article 121 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any person who, in compliance with Article 121, is admitted into a factory, workshop or work place discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the^{F10} land], be guilty of an offence and liable —

- ^{F10}(a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.]

(4) Where any property is damaged in the exercise of a right of entry conferred under Article 121, or in the making of a survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the property from the Department.

(5) Any question of disputed compensation recoverable under paragraph (4) shall be determined by the Lands Tribunal.

F9 functions transferred SR 1999/481

F10 2003 NI 8

^{F11}Supplementary provisions as to powers of entry: Crown land

122A.—(1) Article 121 applies to Crown land subject to the following modifications.

(2) A person shall not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

- (a) a person appearing to the person seeking entry to the land to be entitled to give it; or
- (b) the appropriate authority.

(4) In paragraph (4) the words from “, but a person” to the end of that paragraph shall be omitted.

(5) Article 122 does not apply to anything done by virtue of this Article.

(6) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).]

F11 Art. 122A inserted (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), Sch. 1 para. 4

Local inquiries

^{F12}**123.**

F12 Art. 123 repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Inquiries to be held in public subject to certain exceptions

^{F13}**123A.**

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F13 Art. 123A repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

National security

F14 **123B.**

F14 Art. 123B repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Planning register

F15 **124.**

F15 Art. 124 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Information as to estates in land

125 ^{F16}.—(1) For the purpose of enabling the Department to make an order or issue or serve a notice or other document which by any of the provisions of this Order it is authorised or required to make, issue or serve, the Department may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing within 21 days after the date on which the notice is served, or such longer time as may be specified in the notice or as the Department may allow, such information as to the matters mentioned in paragraph (2) as may be specified.

(2) The matters referred to in paragraph (1) are—

- (a) the nature of the estate in the premises of the person on whom the notice is served;
- (b) the name and [^{F17}postal] address of any other person known to that person as having an estate in the premises;
- (c) the purpose for which the premises are being used;
- (d) the time when that use began;
- (e) the name and [^{F18}postal] address of any person known to the person on whom the notice is served as having used the premises for that purpose; and
- (f) the time when any activities being carried out on the premises began.

(3) Any person who, without reasonable excuse, fails to comply with a notice served on him under paragraph (1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any person who having been required by a notice under paragraph (1) to give any information knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable

- ^{F19}(a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.]

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- F16** functions transferred SR 1999/481
- F17** Word in [art. 125\(2\)\(b\)](#) inserted (1.8.2006) by [Planning \(Electronic Communications\) Order \(Northern Ireland\) 2006 \(S.R. 2006/276\)](#), [art. 5\(2\)\(b\)](#)
- F18** Word in [art. 125\(2\)\(e\)](#) inserted (1.8.2006) by [Planning \(Electronic Communications\) Order \(Northern Ireland\) 2006 \(S.R. 2006/276\)](#), [art. 5\(2\)\(b\)](#)
- F19** 2003 NI 8

^{F20}**Information as to estates in Crown land**

125A.—(1) This Article applies to an estate in Crown land which is not a private estate.

(2) Article 125 does not apply to an estate to which this Article applies.

(3) For a purpose mentioned in Article 125(1) the Department may request the appropriate authority to give it such information as to the matters mentioned in Article 125(2) as the Department specifies in the request.

(4) The appropriate authority shall comply with a request under paragraph (3) except to the extent—

- (a) that the matter is not within the knowledge of the authority, or
- (b) that to do so will disclose information [^{F21}as to national security or the measures taken or to be taken to ensure the security of any premises or property] .

(5) Expressions used in this Article and in Part XII shall be construed in accordance with that Part.]

- F20** Art. 125A inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), 21(3), [Sch. 1 para. 13](#)
- F21** Words in art. 125A(4)(b) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 58](#) (with s. 211); [S.R. 2015/49](#), arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Power to appoint advisory bodies or committees

^{F22}**126.**

- F22** Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

^{F23}**Fees and charges**

^{F22}**127.**

- F22** Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)
- F23** Art. 127 substituted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), [16](#)

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Time limit for certain summary offences under this Order

^{F22}**128.**

F22 Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Regulations and orders

^{F22}**129.**

F22 Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Financial provision

130 ^{F24}—(1) Any expenses incurred by the Department under this Order shall be defrayed either out of moneys hereafter appropriated for the purposes of defraying such expenses or, if the Department of Finance and Personnel so directs, by means of sums charged on and issued out of the Consolidated Fund.

(2) The Department of Finance and Personnel may borrow moneys for the purpose of providing money for issues out of the Consolidated Fund under paragraph (1).

(3) Any money borrowed under paragraph (2) shall be repaid within any period or periods not exceeding 25 years from the date of borrowing, and provision for such repayment may be made out of moneys thereafter appropriated for that purpose.

F24 functions transferred SR 1999/481

Registration of matters in Statutory Charges Register

^{F25}**131.**

F25 Art. 131 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Transitional provisions

^{F26}**132.**

F26 Art. 132 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Article 133—Amendments and repeals

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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):

- Sch. 1 para. 1(1A)(1B) inserted by [S.I. 2006/1252 \(N.I.\) art. 8\(2\)](#)
- art. 4(2A) inserted by [S.I. 2006/1252 \(N.I.\) art. 4\(1\)](#)
- art. 11(2A) inserted by [S.I. 2006/1252 \(N.I.\) art. 7](#)
- art. 20(2A)(2B) inserted by [S.I. 2006/1252 \(N.I.\) art. 8\(1\)](#)
- art. 124(1)(o) added by [S.I. 2006/1252 \(N.I.\) art. 27\(3\)](#)