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STATUTORY INSTRUMENTS

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**1993 No. 3160**

**The Roads (Northern Ireland) Order 1993**

**PART IX**

**POWERS OF DEPARTMENT IN RELATION TO LAND**

*Acquisition of land*

**Acquisition of land for purposes of functions under this Order**

**110.**—(1) The Department may, for any purpose in connection with the performance of any of its functions under this Order, acquire by agreement or compulsorily any land including land on either side of a road or proposed road within 200 metres from the middle thereof.

(2) Without prejudice to the generality of paragraph (1), the Department may acquire under that paragraph—

- (a) land adjacent to a road which is being constructed or improved by the Department if the land is required for the depositing of matter obtained in the course of constructing or improving the road;
- (b) land required for the purpose of providing—
  - (i) service areas, being land within 200 metres of the middle of a special road;
  - (ii) maintenance compounds; or
  - (iii) parking places for vehicles under Article 104(1) of the Road Traffic Order; and
- (c) land required for the purpose of providing a means of access to a road from any land, including any land which will be, or has been, deprived of a means of access to a road by the construction or improvement of a road, if it is not reasonably practical to provide that means of access otherwise than by the exercise of powers under this Article.

**Acquisition of land for resettlement of undertakings**

**111.**—(1) The Department may, for the purpose of resettling a relevant undertaking, acquire land by agreement or compulsorily.

(2) The Department shall not acquire compulsorily under paragraph (1) any land of an undertaking which is in use for the purposes of the undertaking, if the undertaking provides employment which is significant having regard to the extent of the land and the nature of the undertaking.

(3) In this Article—

“relevant undertaking” means an undertaking which is being carried on on land which is being or has been acquired by the Department under Article 110;

“undertaking” means any trade or business or other activity providing employment.

**Acquisition of land for mitigation of adverse effect of road construction or improvement**

**112.**—(1) Subject to paragraphs (3) and (4), the Department may acquire land by agreement or compulsorily for the purpose of mitigating any adverse effect which the existence or use of a road constructed or improved by it, or proposed to be constructed or improved by it, has or will have on the surroundings of the road.

(2) Subject to paragraphs (3) and (4), the Department may acquire by agreement—

- (a) land the enjoyment of which is seriously affected by the carrying out of works by the Department for the construction or improvement of a road;
- (b) land the enjoyment of which is seriously affected by the use of a road which the Department has constructed or improved,

if the interest of the vendor is one which falls within Article 4 of the Planning Blight (Compensation) (Northern Ireland) Order 1981<sup>(1)</sup> (interests qualifying for protection under blight provisions) taking references to the date of service of a blight notice under Article 5 of that Order as references to the date on which the purchase agreement is made.

(3) The powers conferred by paragraph (1) to acquire land compulsorily and the powers conferred by paragraph (2)(a) shall not be exercisable unless the acquisition is begun before the date on which the road or, as the case may be, the improved road is first open to public traffic.

(4) The powers conferred by paragraph (1) to acquire land by agreement and the powers conferred by paragraph (2)(b) shall not be exercisable unless the acquisition is begun before the expiration of one year from the date on which the road or, as the case may be, the improved road is first open to public traffic.

(5) For the purposes of paragraphs (3) and (4) the acquisition of any land is begun—

- (a) if it is compulsory, on the date on which the notice required by paragraph 2 of Schedule 6 to the Local Government Act (Northern Ireland) 1972<sup>(2)</sup> as applied by Article 113 is first published;
- (b) if it is by agreement, on the date on which the agreement is made;

and where compulsory acquisition of any land under paragraph (1) is begun within the time limited by paragraph (3) but is not proceeded with, any subsequent compulsory acquisition of that land under paragraph (1) shall be treated for the purposes of this Article as begun within that time.

(6) For the purpose of assessing the compensation payable on the compulsory acquisition of land under this Article the land shall be treated as if it were being acquired for the construction of the road or, as the case may be, the improvement in question.

**Vesting orders**

**113.**—(1) Where the Department in exercise of the power conferred on it by Article 110, 111 or 112 desires to acquire any land otherwise than by agreement, the Department may make an order (in this Article referred to as a “vesting order”) vesting the land in the Department.

(2) Schedule 6 to the Local Government Act (Northern Ireland) 1972<sup>(3)</sup> shall, subject to the modifications specified in Schedule 7, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(3) The power to make a vesting order in respect of land—

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(1) 1981 NI 16  
 (2) 1972 c. 9 (N.I.)  
 (3) 1972 c. 9 (N.I.)

(a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or

(b) which is declared by or under any transferred provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Northern Ireland Assembly.

(4) In paragraph (3) “public body” means—

(a) a Northern Ireland department; and

(b) any other body established by or under a transferred provision.

#### **Appropriation or disposal of land acquired under this Part**

**114.**—(1) Land acquired by the Department under this Part for any purpose may be appropriated by the Department for any other purpose for which it is authorised to acquire land under this Part.

(2) The Department may dispose of any land acquired under this Part.

(3) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933(4) shall not affect the disposal of land acquired under this Part.