

## 1993 No. 257

## EDUCATION

**Education and Library Boards (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1993**

*Made* . . . . . 28th May 1993

*Coming into operation* . . . . . 1st August 1993

The Department of Education, in exercise of the powers conferred on it by section 97(2) of and paragraphs 1, 5(1), 11(3), 12(1), 14(1) and 15(1) of Schedule 6 to the Local Government Act (Northern Ireland) 1972(a) as applied by Article 106(2) of and Part II of Schedule 16 to the Education and Libraries (Northern Ireland) Order 1986(b) and of every other power enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Education and Library Boards (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1993 and shall come into operation on 1st August 1993.

*Interpretation*

2.—(1) In these regulations—

“the Department” means the Department of Education;

“the Act” means the Local Government Act (Northern Ireland) 1972; and

“the Order” means the Education and Libraries (Northern Ireland) Order 1986.

(2) Any reference in these regulations to a provision of Schedule 6 to the Act shall be construed as a reference to that provision as applied and modified by Article 106(2) of and Part II of Schedule 16 to the Order.

*Application for vesting order*

3. An application for a vesting order in pursuance of the provisions of Article 106 of the Order shall be in the Form No. 1 in the Schedule.

*Notice of making of vesting order*

4. Where a vesting order has been made in respect of any land, the notice thereof which is required to be given in pursuance of the provisions of paragraph 5(1)(a) of Schedule 6 to the Act shall be in the Form No. 2 in the Schedule and shall be published in one or more of the newspapers circulating in the locality in which that land is situated.

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(a) 1972 c. 9 (N.I.)

(b) S.I. 1986/594 (N.I. 3) as amended by Article 166 of and Schedule 9 to S.I. 1989/2406 (N.I. 20)

*Notice of vesting order becoming operative*

5. Notice of a vesting order becoming operative which may be served under paragraph 5(1)(d) of Schedule 6 to the Act shall be in the Form No. 3 in the Schedule.

*Notice to be given where land is subject to payment of an annuity*

6. The notice to be given to the Department of Agriculture(a) in pursuance of the provisions of paragraph 11(3) of Schedule 6 to the Act shall be in the Form No. 4 in the Schedule.

*Maps and schedules in cases of dispute*

7. The maps and schedules caused to be made out by the Board in pursuance of paragraph 12(1) of Schedule 6 to the Act where any question of disputed compensation arises shall be upon such scale and be framed in such manner as is hereinafter set forth, that is to say:

- (a) (i) the maps shall be upon a scale of not less than 1: 2500;
- (ii) each field, enclosure, road, passage, house or building to which the vesting order relates (whether wholly or in part) shall be clearly shown on the maps, with the fences of the lands abutting thereon accurately indicated, and with the areas acquired marked in hectares and square metres and clearly defined by boundaries;
- (iii) each separate parcel of land or property of any kind shall be indicated and marked on the maps by a distinctive number corresponding to the number assigned to such property in the schedule of the scheduled lands as provided in sub-paragraph (b);
- (iv) the maps shall show the names of the towns or townlands, districts and counties in which the scheduled lands are situated and all townland boundaries so far as they intersect or closely adjoin the scheduled lands; and
- (v) the scale of each map shall be clearly marked thereon and the points of the compass and a portion of any closely adjoining street or road shown, with the name thereof, or with words indicating the towns or villages to or from which the street or road leads;
- (b) (i) the schedules shall be in the Form No. 5 in the Schedule and shall contain full particulars of the scheduled lands; and
- (ii) in the schedules a distinctive number shall be assigned to each separate parcel of land or property of any kind.

*Receipt for compensation*

8. The receipt to be given to the Board for any compensation paid by it shall be in the Form No. 6 in the Schedule.

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(a) Functions transferred from the Department of Finance by S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part I

*Statutory declaration in certain cases*

9. The statutory declaration to be made by a person to whom the compensation payable does not exceed the sum of £100 shall be in the Form No. 7 in the Schedule.

Sealed with the Official Seal of the Department of Education on 28th May 1993.

(L.S.)

*A. McVeigh*

Assistant Secretary



EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986  
LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Name of Education and Library Board]

**Notice of Making of Vesting Order**

*Notice Is Hereby Given* that the Department of Education for Northern Ireland, acting in pursuance of the provisions of the above enactments made on the day of 19 , an Order vesting the lands described therein in the [ ] Education and Library Board in accordance with and subject to the provisions of the above enactments.

A copy of the Vesting Order and related map may be seen during usual office hours at

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[or at the office of the Department of Education for Northern Ireland]

Dated this day of 19 .

..... Chief Executive  
[ ] Education and Library Board

EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986  
LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Name of Education and Library Board]

**Notice that a Vesting Order has become operative**

To ..... of .....

.....

TAKE NOTICE that the vesting order in respect of which notice of application was served on you by the [ ] Education and Library Board on ..... was made on ..... and has become operative.

A copy of the vesting order and of any map or plan referred to therein may be seen during usual office hours at ..... and may be obtained free of charge upon written request made by or on behalf of any person having an estate in the land vested thereby.

Dated this ..... day of ..... 19 .....

..... Chief Executive  
[ ] Education and Library Board

EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Name of Education and Library Board]

Notice of Agreement for Compensation

To Department of Agriculture for NI  
Dundonald House  
Upper Newtownards Road  
BELFAST  
BT4 3TP

Sir

PLEASE TAKE NOTICE that the [ ] Education and Library Board proposes to enter into an agreement with [ ] for the payment of compensation to him in respect of his interest in the land set out in the first column of the Schedule in the terms mentioned in the second column of the said Schedule.

SCHEDULE

<i>Description of land</i>	<i>Terms of agreement proposed to be entered into</i>
Folio No. ....	Compensation payable exclusive of redemption of apportioned Land Purchase Annuity
Collection No. ....	.....
Registered Owner .....	Proposals (if any) for apportionment and redemption of apportioned Land Purchase Annuity
Townland(s) .....	.....

..... Chief Executive  
[ ] Education and Library Board

EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Name of Education and Library Board]

**Schedule of lands to which a Vesting Order, made by the Department of Education for Northern Ireland on the ..... day of ..... 19 ....., relates, and lands claimed to be injuriously affected by the works proposed to be carried out**

County	District	Barony or town	Townland or Street	Area (	Names and addresses of ) persons appearing to have an estate	Nature of Estate of persons in column 6	Reference to land on attached map
1	2	3	4	5	6	7	8

Dated this ..... day of ..... 19 .....

..... Chief Executive  
[ ] Education and Library Board

FORM No. 6

EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Name of Education and Library Board]

**Receipt for Compensation**

We, the persons whose names and addresses are set forth in the first column of the Schedule DO HEREBY EACH ACKNOWLEDGE that we have respectively received from the [ ] Education and Library Board the sum set forth in the second column of the Schedule opposite to each of our respective names as the compensation payable to us in respect of all our estate, in the Townland of ..... (Town of .....), Barony of ..... and County of ..... containing ..... [ ] ..... [ ] and ..... [ ] vested in the said [ ] Education and Library Board by a vesting order made by the Department of Education on the ..... day of ..... 19 ..... in accordance with and subject to the provisions of the above enactments.

*Education*  
SCHEDULE

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Name and address of person to whom compensation is paid	Amount of compensation paid	Nature of Estate
1	2	3

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Dated this ..... day of ..... 19 .....

Signed by the said .....

in the presence of .....



EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

..... [Name of Education and Library Board]

**Statutory Declaration by person claiming Compensation  
not exceeding One Hundred Pounds**

I, ..... of .....  
aged ..... years and upwards DO SOLEMNLY AND SINCERELY DECLARE  
as follows:

1. I was on and prior to the (1) ..... day of ..... 19 ..... the absolute owner  
(or (2) ..... ) of all that parcel of land in the Townland of ..... Barony of  
..... (Town of ..... ) and County of ..... , containing .....  
[ ..... ] [.....] or thereabouts which was vested in the  
[ ..... ] Education and Library Board on the said (1) ..... day of  
..... 19 ..... by a vesting order made by the Department of ..... on the  
..... day of ..... 19 ..... in accordance with and subject to the provisions  
of the above enactments and in respect of which parcel of land I claim the sum of  
..... as compensation (to be paid to the trustees of the settlement under which I  
hold as such limited owner).

2. My title to the said parcel of land as such absolute owner/limited owner was as  
follows:  
[Here set out the title in separate paragraphs. In the case of a limited owner  
the names and addresses of the trustees of the settlement should be given to  
enable payment of the compensation to be made to them.]

3. For not less than six years prior to the vesting of the said parcel of land in the said  
[ ..... ] Education and Library Board I was (and I verily believe my immediate  
predecessor in title was) in actual occupation and in full free and undisturbed  
possession and enjoyment and receipt of the rents and profits of the said parcel of land  
and no claim has been made by, or acknowledgement given to, any person in respect  
of the said lands or the rents or profits thereof save as herein set forth.

4. Save as herein set forth, there was not at the time of the vesting of the said parcel of  
land in the said [ ..... ] Education and Library Board any charge or encumbrance  
affecting the same.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the  
same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared and Subscribed before me at .....  
in the County of ..... this ..... day of ..... 19 .....

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(1) Date of vesting  
(2) In the case of a limited owner set out the nature of the interest

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Schedule 6 to the Local Government Act (Northern Ireland) 1972 sets out the procedure for District Councils to acquire land other than by agreement. Article 106(2) of and Part II of Schedule 16 to the Education and Libraries (Northern Ireland) Order 1986 apply the provisions of that Schedule with modifications to the compulsory acquisition of land by Education and Library Boards. These regulations prescribe certain maps and schedules and the form of certain notices, receipts and statutory deductions for the purposes of the procedure set out in the Schedule (as applied and modified by the Order).

The Forms prescribed by these regulations are available from the Department of Education, Rathgael House, Balloo Road, Bangor BT19 7PR; or from HMSO 16 Arthur Street, Belfast, BT1 4GD.