

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1995 No. 380**

**The Conservation (Natural Habitats, etc.)  
Regulations (Northern Ireland) 1995**

**PART II**

**CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES**

***Compensation***

*Compensation: payment*

**19.** Where a declaration is applied by virtue of regulation 15 the Department shall pay compensation to any person having at the time the declaration is so applied an estate in land comprised in an agricultural unit (within the meaning of Article 2(2) of the Planning Blight (Compensation) (Northern Ireland) Order 1981<sup>(1)</sup>) comprising land to which the declaration relates who, on a claim made to the Department within the time and manner prescribed by regulations, shows that the value of his estate in that land is less than it would have been if a declaration had not so applied.

*Compensation: amount and assessment*

**20.**—(1) The following provisions have effect in relation to compensation under regulation 19 (compensation).

(2) The amount of compensation shall be the difference between the value of the estate in the land in question and what it would have been had a declaration not applied by virtue of regulation 15.

(3) For this purpose—

- (a) an estate in land shall be valued at the time when the declaration is applied by virtue of regulation 15 to that land; and
- (b) where a person has more than one estate in land to which a declaration is applied by virtue of regulation 15, his various estates may be valued together.

(4) Article 13 of the Land Acquisition and Compensation (Northern Ireland) Order 1973<sup>(2)</sup> (mortgages, trusts for sale and settlements) shall apply in relation to compensation under regulation 19 as it applies to compensation under Part II of that Order.

(5) For the purpose of assessing any compensation payable under regulation 19, the rules set out in Article 6 of the Land Compensation (Northern Ireland) Order 1982<sup>(3)</sup> shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of land.

---

(1) S.I. 1981/608 (N.I. 16)  
(2) S.I. 1973/1896 (N.I. 21)  
(3) S.I. 1982/712 (N.I. 9)

(6) Except so far as may be provided by regulations made by the Department, any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

*Compensation: procedural provisions*

**21.**—(1) The power to make regulations under Article 26 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(4) (compensation) shall be exercisable so as to make provision for the purposes of these Regulations corresponding to those for which provision may be made under that Article.

(2) The references in regulation 19 to matters being prescribed by regulations, and in regulation 20(6) to matters being provided by regulations, are to their being so prescribed and provided.

(3) Any regulations in force under Article 26 of that Order on the commencement of these Regulations shall have effect for the purposes of these Regulations as if made under that Article as applied by this regulation.

*Restoration where person convicted of an offence under regulation 16*

**22.**—(1) Where a person is convicted of an offence under regulation 16, the court by which that person is convicted may, in addition to dealing with him in any other way, make an order requiring him to carry out, within such a period as may be specified in the order, such operations for the purpose of restoring the land to its former condition as may be so specified.

(2) The period specified in an order made under paragraph (1) shall not begin to run—

- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a court of summary jurisdiction;
- (b) where notice of appeal is given within the period so prescribed, until determination of the appeal.

(3) At any time before an order under paragraph (1) is complied with or fully complied with, the court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the court that a change in the circumstances has made compliance or full compliance with the order impracticable or unnecessary.

(4) If, within the period specified in an order under paragraph (1), the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale; and
- (b) in the case of a continuing offence, to a further fine not exceeding £100 for each day during which the offence continues after conviction.

(5) If, within the period specified in an order under paragraph (1), any operations specified in the order have not been carried out, a person authorised in writing by the Department may enter the land and carry out those operations and recover from the person against whom the order was made any expenses reasonably incurred by the Department in doing so.