1970. No. 97 [NC]

HARBOURS

Compulsory Acquisition of Land

REGULATIONS, DATED 4TH MAY 1970, MADE BY THE MINISTRY OF COMMERCE UNDER THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934 AS APPLIED BY THE HARBOURS ACT (NORTHERN IRELAND) 1970.

The Ministry of Commerce, in exercise of the powers conferred on it by the Local Government Act (Northern Ireland) 1934(a) as applied by Section 26 of the Harbours Act (Northern Ireland) 1970(b), and all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Harbour (Compulsory Acquisition of Land) Regulations (Northern Ireland) 1970, and shall come into operation on 4th May 1970.

Interpretation

2. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

(*a*) "the Act" means the Harbours Act (Northern Ireland) 1970;

(*b*) "the Local Government Act" means the Local Government Act (Northern Ireland) 1934; and

(*c*) "the Ministry" means the Ministry of Commerce.

3. An application for a vesting order in pursuance of the provisions of Section 26 of the Act shall be in the Form No. 1 in the Schedule and shall be accompanied by a map or plan in duplicate drawn on parchment or linen, together with a copy of the map or plan on paper, indicating clearly the lands, easements or rights proposed to be acquired.

4.—(1) Notice of the application in the Form No. 2 in the Schedule shall be published once at least in each of two successive weeks in one or more of the newspapers circulating in the locality in which the lands, easements or rights proposed to be acquired are situate:

Provided that where a substantial number of interests are involved the Schedule to Form No. 2 may be varied so as to include a general description only of the lands, easements or rights.

(2) Notice of the application in the Form No. 3 in the Schedule shall be given to the persons appearing to the Harbour Authority to have interests in the said lands, easements or rights:

Provided that—

(i) where a substantial number of interests are involved the Schedule to Form No. 3 may be varied so as to include a general description only of the lands, easements or rights; and

(a) 24 & 25 Geo. 5. c. 22 (N.I.). (b) 1970. c. 1 (N.I.).

(ii) if any of the persons to whom notice is required to be given should be absent from or resides outside the United Kingdom, or cannot be found, the notice may be left with the occupier of the lands or affixed on some conspicuous part of the lands proposed to be acquired.

5. A Statutory Declaration as to publication and service of notices shall be made by the Secretary or Solicitor of the Harbour Authority in the Form No. 4 in the Schedule and sent to the Ministry.

6. Notice of the making of a vesting order which is required to be given in pursuance of the provisions of Section 22(2)(*a*) of the Local Government Act shall be in the Form No. 5 in the Schedule:

Provided that where a substantial number of interests are involved the Schedule to Form No. 5 may be varied so as to include a general description only of the lands, easements or rights.

7. Notice of a vesting order becoming operative which may be given under Section 22(2) of the Local Government Act shall be in the Form No. 6 in the Schedule.

8. Notice of a vesting order becoming operative shall be given to the Ministry and to the Ministry of Finance within fourteen days from the date of such order becoming operative.

9. The receipt to be given to the Harbour Authority for the compensation paid by them shall be in the Form No. 7 in the Schedule.

10. 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. 8 in the Schedule.

11. The notice to be given to the Ministry of Finance in pursuance of the provisions of Article 10(2) of the Second Schedule to the Local Government Act shall be in the Form No. 9 in the Schedule. For the purposes of that Article the prescribed period shall be fourteen days from the receipt of such notice.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 4th day of May 1970.

(L.S.) *W. L. Robinson,*
Assistant Secretary.

SCHEDULE

FORM NO. 1

(To be sent to Ministry)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [*Name of Harbour Authority*]

Application for Vesting Order

The [*Name of Harbour Authority*] in pursuance of the provisions of the above Acts, hereby apply to the Ministry of Commerce for an Order vesting the lands, easements or rights described in the Schedule in the said Authority in accordance with and subject to the provisions of the above Acts.

The said Authority desire to acquire the said lands, easements or rights otherwise than by agreement for the following purposes*—

*The reasons for the acquisition should be set forth here.

Dated this day of 19 .

..... Chairman.

[Seal]

..... Secretary.

SCHEDULE

Description of Lands, Easements or Rights

County of .....

Barony of ..... Town of ..... Parish of .....

Townland or Street	Area A. R. P.	Names and Addresses of persons appearing to have interests	Nature of estate or interest of persons in col. 3	Reference to lands on attached map and folio no. (if any)	Nature of estate or interest to be acquired
1	2	3	4	5	6

FORM NO. 2

(For newspaper publication)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [*Name of Harbour Authority*]

Notice of Application for Vesting Order

NOTICE IS HEREBY GIVEN that the [*Name of Harbour Authority*] in pursuance of the provisions of the above Acts, have applied to the Ministry of Commerce for an Order vesting the lands, easements or rights described in the Schedule in the said Authority in accordance with and subject to the provisions of the above Acts.

The said Authority desire to acquire the said lands, easements or rights otherwise than by agreement for the following purposes*—

*The reasons for the acquisition should be set forth here.

All objections to the application from persons interested in the lands, easements or rights specified in the application must be presented in writing to the Secretary, Ministry of Commerce, 21 Linenhall Street, Belfast BT2 8BY, on or before the ..... day of ..... 19....

A copy of the application and a map showing the lands proposed to be acquired may be seen during usual office hours at .....

..... Secretary.

SCHEDULE†

Description of Lands, Easements or Rights

County of .....

Barony of ..... Town of ..... Parish of .....

Townland or Street	Area A. R. P.	Names and Addresses of persons appearing to have interests	Nature of estate or interest of persons in col. 3	Reference to lands on map and folio no. (if any)	Nature of estate or interest to be acquired
1	2	3	4	5	6

†NOTE: Where a substantial number of interests are involved the Schedule to this form may be varied so as to include a general description only of the lands, easements or rights—see Reg. 4.

FORM NO. 3

(To be sent to interested persons)

HARBOURS ACT (NORTHERN IRELAND) 1970

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934

..... [*Name of Harbour Authority*]

Notice of Application for Vesting Order

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

TAKE NOTICE THAT the [*Name of Harbour Authority*] have applied to the Ministry of Commerce for an Order vesting the lands, easements or rights described in the Schedule in the said Authority in accordance with and subject to the provisions of the above Acts.

The said Authority desire to acquire the said lands, easements or rights otherwise than by agreement for the following purposes*

*The reasons for the acquisition should be set forth here.

The portion in which you appear to have an interest is shown distinctly on the attached map (or plan).

AND FURTHER TAKE NOTICE that all objections to the said application from persons interested in the lands, easements or rights specified in the application must be presented (in writing) to the Secretary, Ministry of Commerce, 21 Linenhall Street, Belfast BT2 8BY, on or before the ..... day of ..... 19....

A copy of the application and a map showing the lands proposed to be acquired may be seen during usual office hours at .....

Dated the ..... day of ..... 19....

..... Secretary.

SCHEDULE†

Description of Lands, Easements or Rights

County of .....

Barony of ..... Town of ..... Parish of .....

Townland or Street	Area A. R. P.	Names and Addresses of persons appearing to have interests	Nature of estate or interest of persons in col. 3	Reference to lands on map and folio no. (if any)	Nature of estate or interest to be acquired
1	2	3	4	5	6

†NOTE: Where a substantial number of interests are involved the Schedule to this form may be varied so as to include a general description only of the lands, easements or rights—see Reg. 4.