1966. No. 21 [C]

LANDS TRIBUNAL

Land Development Values Rules

RULES, DATED 24TH JANUARY, 1966, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 9 OF THE LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964.

The Ministry of Finance, after consultation with the President of the Lands Tribunal for Northern Ireland, in exercise of the powers conferred on it by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(a) and of all other powers enabling it in that behalf, hereby makes the following rules:—

Citation and Commencement

1. These rules may be cited as the Lands Tribunal (Land Development Values) Rules (Northern Ireland) 1966 and shall come into operation on 1st February, 1966.

Interpretation

2.—(1) In these rules,

"a Part I application" means an application to the Ministry of Development requiring it to ascertain the development value of land in accordance with Part I of the Land Development Values (Compensation) Act (Northern Ireland) 1965(b); "an applicant" shall be construed accordingly;

"the Act" means the Land Development Values (Compensation) Act (Northern Ireland) 1965;

"compensatable estate" has the meaning assigned to that expression by section 43 of the Act;

"estate" has the meaning assigned to that expression by section 43 of the Act;

"the Ministry" means the Ministry of Development;

"the Tribunal" means the Lands Tribunal for Northern Ireland;

"the registrar" means the registrar for the time being of the Tribunal.

(2) "the prescribed form" means the form prescribed in Schedule 1.

Notice of Reference Under Part I of the Act

3.—(1) A reference of a dispute arising under section 5 of the Act may be instituted by sending to the registrar a notice of reference in accordance with the prescribed form together with a copy of the opinion of the Ministry giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any person appearing to it to be entitled to make a Part I application in relation to the land which is the subject of the reference together with a copy of the opinion of the Ministry giving rise to the dispute and at the

(a) 1964, c. 29 (N.I.). (b) 1965. c. 23 (N.I.).

same time it shall furnish the registrar with the names and addresses of such persons.

(2) A reference under regulation 5 of the Land Development Values (Ascertainment and Certificates) Regulations (Northern Ireland) 1965(a) in relation to a dispute as to the amount (if any) of a development value determined by the Ministry may be instituted by sending to the registrar a notice of reference in the prescribed form and within the time prescribed in the said regulation 5 together with a copy of the determination as confirmed or revised by the Ministry under regulation 4(4) of the said regulations. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send to the registrar a copy of the Part I application on which the disputed determination arises and shall forthwith send a copy of the notice of reference to any applicant who has been served with a notice of determination in respect of the land affected by the dispute. The Ministry shall at the same time furnish the registrar with the names and addresses of such persons.

Under Part II of the Act

(3) A reference under section 13(5) of the Act in relation to an objection to a proposal for the apportionment of development value may be instituted by sending to the registrar a notice of reference in the prescribed form within the time specified by the said section 13(5) together with a copy of the notice issued by the Ministry under section 13(4)(*b*) of the Act giving particulars of the proposed apportionment and a copy of the notice of objection served on it under section 13(4)(*c*) of the Act by the person making the reference. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person who was served with a copy of the said notice of apportionment giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

(4) A reference under regulation 6 of the Land Development Values (Compensation) Regulations (Northern Ireland) 1965(b) in relation to any findings or apportionment on a claim for compensation under Part II of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form within the time prescribed in the said regulation 6. There shall be sent with the reference a copy of the claim and of the Ministry's findings giving rise to the dispute, or, where the dispute relates to an apportionment, a copy of the particulars of the said apportionment. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person served with a notice of its findings and particulars of apportionment in respect of the claim giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

(5) A reference under section 24(16) of the Act against the refusal of the Ministry to issue a certificate under section 24(15) of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send to the registrar a copy of the relevant application made to the Ministry for a certificate under section 24(15) of the Act.

(a) S.R. & O. (N.I.) 1965, No. 284. (b) S.R. & O. (N.I.) 1965, No. 285

Under Part III of the Act

(6) A reference under section 27(3) of the Act in relation to any dispute regarding an apportionment of compensation for depreciation payable under section 26 of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the apportionment of compensation giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person who was served with a notice of the said apportionment in accordance with section 27(1) of the Act and at the same time it shall furnish the registrar with the names and addresses of such persons.

(7) A reference under regulation 8 of the Land Development Values (Compensation) Regulations (Northern Ireland) 1965 in relation to a dispute regarding the determination of the appropriate amount under section 28 of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the notice of the proposed determination giving rise to the dispute and a copy of the notice of objection served on it by the person making the reference. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person who was served with a notice of its proposed determination and at the same time it shall furnish the registrar with the names and addresses of such persons.

(8) A reference under section 29(4) of the Act in relation to a dispute under section 29(3) of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

(9) A reference under section 31 of the Act in relation to any question of disputed compensation under Part III of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Under Part IV of the Act

(10) A reference under any regulations made under section 32 of the Act in relation to a dispute as to the payment of compensation where a compensatable estate to be compensated is subject to a rentcharge or fee farm rent may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any order, notice, decision or determination giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person upon whom the said order, notice, decision or determination giving rise to the dispute was served, and at the same time it shall furnish the registrar with the names and addresses of such persons.

(11) A reference under section 37(5) of the Act in relation to a dispute arising under section 37(4) of the Act may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of the decision or determination giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send to the registrar a copy of the relevant application under section 37(3) of the Act. The Ministry shall at the same time send a copy of the notice of reference to any other person who was served with a notice under section 37(1) of the Act in respect of the land to which the dispute relates, and shall furnish the registrar with the names and addresses of such persons.

(12) A reference under section 38(7) of the Act in relation to a dispute as to whether a person (not being a public body) entitled to a compensatable interest might reasonably carry out any relevant development may be instituted by sending to the registrar a notice of reference in the prescribed form together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Ministry.

Upon receiving a copy of the notice of reference the Ministry shall forthwith send a copy thereof to any other person entitled to an estate in the land appearing to it to be substantially affected by the reference, and at the same time it shall furnish the registrar with the names and addresses of such persons.

(13) A reference under section 40(7) of the Act in relation to a dispute as to compensation for damage to land may be instituted by sending to the registrar a notice of reference in the prescribed form. A copy of the notice of reference shall at the same time be sent to the Ministry.

Entry of Reference

4. Upon receiving a notice of reference, the registrar shall enter particulars of the reference in the register of references under the Act and shall inform the Ministry and the person making the reference of the number of the reference entered in the register, which shall thereafter constitute the title to the proceedings.

Disputes—Appearance by Interested Persons

5. Any person who has been served with a copy of a notice of reference by the Ministry may, within 21 days after service of such copy, give written notice to the registrar of his intention to appear at the hearing stating—

(*a*) the nature of his interest and the grounds on which he intends to rely;

(*b*) whether he intends to appear separately or jointly; and

(*c*) an address at which documents may be served upon him;

and shall thenceforward be a party to the reference.

The registrar shall, as soon as possible after receipt of a notice of intention to appear, serve on the Ministry and the person making the reference a copy of each such notice. The registrar shall at the same time supply all persons giving notice of intention to appear with a copy of any other notice of intention to appear and the title to the reference.

Power to require further particulars

6. The registrar may at any time after receiving a notice of reference require any party to the proceedings to furnish such additional particulars or information as may appear to him to be necessary.

Procedure before the Tribunal

7. Part VII of the Lands Tribunal Rules (Northern Ireland) 1964(**a**), except rules 29, 46(3), 54, 55, 59 and 60 shall apply with the following modifications:—

(a) S.R. & O. (N.I.) 1964, No. 201.