1965. No. 285 **[C]**

PLANNING

Land Development Values (Compensation)

REGULATIONS, DATED 31ST DECEMBER, 1965, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 20, 23, 24, 26, 28, 29 AND 41 OF THE LAND DEVELOPMENT VALUES (COMPENSATION) ACT (NORTHERN IRELAND) 1965.

The Ministry of Development, in exercise of the powers conferred upon it by sections 20, 23, 24, 26, 28, 29 and 41 of the Land Development Values (Compensation) Act (Northern Ireland) 1965(a), hereby makes the following regulations:—

PART I

GENERAL

Citation

1. These Regulations may be cited as the Land Development Values (Compensation) Regulations (Northern Ireland) 1965.

Interpretation

2. In these Regulations:—

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

"the claimant" means the person by or on whose behalf a claim for compensation under Part II or Part III of the Act is made.

PART II

CLAIMS FOR COMPENSATION UNDER PART II OR PART III OF THE ACT

Form and Delivery of Claim and Supporting Material

3.—(1) A claim for compensation under Part II or Part III of the Act shall be made on a form to be issued by the Ministry and such form may require any information in relation to the following matters which in the opinion of the Ministry is material for the purposes of determining the claim:—

(*a*) the compensatable estate to which the claim relates and the land in which such estate subsists together with such a description and with such a map or plan of suitable size as may be necessary to identify that land;

(*b*) the name and address of the claimant and the nature of his estate in the land;

(*c*) any other estate subsisting in the land of which the claimant is aware;

(*d*) the planning decision in respect of which the claim is made and any other planning decision affecting the land;

(*e*) any mortgage, rentcharge or fee farm rent secured against the claimant's estate and the person entitled thereto;

(a) 1965. c. 23 (N.I.).

(*f*) any restrictive covenants, easements or other rights or liabilities (including statutory rights and liabilities) affecting the claimant's estate in the land;

(*g*) any claim for compensation under the Act or the Act of 1944 of which the claimant is aware;

(*h*) the state and user of the land;

(*i*) any buildings destroyed or demolished within the period of five years before the claim arose, or as a result of war damage;

(*j*) the amount claimed as representing the depreciation in value of the compensatable estate to which the claim relates;

(*k*) where a claim arises out of the revocation or modification of a planning permission—

(i) expenditure incurred in carrying out work which has been rendered abortive by such revocation or modification;

(ii) loss or damage directly attributable to such revocation or modification.

(2) If the Ministry shall require information with respect to the matters specified in paragraph (1) additional to that furnished on a form issued pursuant to paragraph (1), the claimant shall furnish such additional information as the Ministry may by notice in writing require.

(3) The Ministry may require any information to be verified by the production of documents or by a Statutory Declaration or otherwise.

Determination of Compensation

4. Regulations 5 and 6 shall apply in relation to claims made under Part II of the Act.

5.—(1) The Ministry shall make such investigations and shall take such steps, including negotiations with the claimant, as it may deem necessary for a proper determination of the claim.

(2) As soon as practicable thereafter the Ministry shall prepare findings as to the amount (if any) which it determines as the amount of compensation payable on the said claim, and

(*a*) in a case where it determines that no compensation is so payable, the findings shall state such determination and the reason therefor;

(*b*) the findings shall state the depreciation in value of the compensatable estate to which the claim relates and the amount of the balance of development value by reference to which the Ministry determines the amount of the compensation payable on the said claim.

(3) Where the claimant has failed to furnish any evidence or information required by the Ministry under regulation 3 the Ministry may defer the determination of the claim until after such evidence or information has been duly furnished or, if it at any time thinks fit, may determine the claim notwithstanding such failure.

(4) The Ministry shall give notice of its findings to the claimant and to any other person who has made and not withdrawn a claim for compensation in respect of the same planning decision and, in any case where the findings include an apportionment, the Ministry shall give particulars of such apportionment to any other person entitled to an estate in land appearing to the Ministry to be an estate substantially affected by the apportionment.