EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force the provisions of the County Courts Act (Northern Ireland) 1959 which were not brought into force by the County Courts Act (Northern Ireland) 1959 Date of Commencement Order 1960 S.R. & O. 1960 No. 35 and the County Courts Act (Northern Ireland) 1959 Date of Commencement Order 1963 S.R. & O. 1963 No. 110.

1965. No. 284 [C]

PLANNING

Land Development Values (Ascertainment and Certificates)

REGULATIONS, DATED 31ST DECEMBER, 1965, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 5, 7, 13 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 5, 7, 13 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 (Ascertainment and Certificates) Regulations (Northern Ireland) 1965.

Interpretation

2. In these Regulations:—

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

"application" means a Part I application under section 5 of the Act and "applicant" shall be construed accordingly;

"the said land" means the land in respect of which an application is made.

PART II

ASCERTAINMENT OF DEVELOPMENT VALUE

Making of application and furnishing of information

3.—(1) Applications must be made to the Ministry within the period of two years beginning with 4th February, 1966.

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

(2) An application shall be made on a form to be issued by the Ministry, and such form may require any particulars in relation to the following matters which in the opinion of the Ministry are material for the purposes of ascertaining the development value of the said land:

(*a*) the said land together with such a description and with such a map or plan of suitable size as may be necessary to identify the said land;

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

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

(*d*) any restrictive covenant, easement, quasi-easement, or other right which enured for the benefit of the fee simple in the said land immediately before the passing of the Act;

(*e*) (i) any restrictive covenant, easement, quasi-easement, or other right enuring for the benefit of other land;

(ii) any public right of way or other right enuring for the benefit of the public or any section thereof; and

(iii) any restriction imposed by or under any statutory provision;

to which the fee simple in the said land was subject immediately before the passing of the Act;

(*f*) any estate which the applicant has in other land contiguous or adjacent to the said land;

(*g*) any planning decision in respect of the said land or any part thereof given on an application under the Act of 1944;

(*h*) any compensation payment, or any claim for such payment, under the Act of 1944 in respect of the said land or any part thereof;

(*i*) any change in the state of the said land after the passing of the Act;

(*j*) the user of the said land;

(*k*) any buildings destroyed or demolished within the period of 5 years before the passing of the Act, or as a result of war damage;

(*l*) the amounts claimed as representing the unrestricted and restricted values of the said land.

(3) Where the applicant is entitled to claim compensation under Part II of the Act by reference to a date before the passing of the Act, paragraph (2) shall have effect as if for any reference to the passing of the Act there were substituted a reference to that earlier date.

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

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

(6) The right of an applicant to have the development value of any land ascertained shall be conditional upon compliance with this regulation.

Determination of Development Value

4.—(1) The Ministry shall determine the development value of land in respect of which an application is made.

(2) As soon as practicable after an application has been duly made, but subject to the provisions of sections 5(5) and 6 of the Act, the Ministry shall prepare and serve on the applicant a statement of the amount (if any) which it determines as the development value of the said land and (except in a case

where the Ministry determines that there is no development value) such statement shall indicate the amounts of the unrestricted and restricted values by reference to which the Ministry determines the development value.

(3) Within 3 months after service of a statement pursuant to paragraph (2), the applicant may give notice in writing to the Ministry that he objects to any amount specified in the statement or, as the case may be, to a determination that the land has no development value and shall state the grounds of his objection and the amount or amounts which he desires to be specified as the unrestricted and restricted values of the said land.

(4) Where notice of objection has been given pursuant to paragraph (3) the Ministry shall consider the objection and after taking such steps, including negotiations with the applicant as it may deem necessary, shall either confirm the determination made under paragraph (2) or make a revised determination of the amount of the development value of the said land and shall serve notice in writing of such confirmation or revision upon the applicant and (except in a case where the Ministry determines that there is no development value in the said land) such notice shall state the amounts of the unrestricted and restricted values by reference to which the Ministry so determines the development value.

(5) Where no objection is made pursuant to paragraph (3) to a determination made and notified under paragraph (2) or, where such determination is accepted in writing by all applicants, that determination shall be conclusive.

Disputes

5.—(1) Subject to the provisions of paragraph (2) if the applicant wishes to dispute the development value as confirmed or revised under regulation 4(4) he may within 3 months after service of notice pursuant to regulation 4(4) refer the matter to the Lands Tribunal.

(2) Where after receipt of a notice under regulation 4(4) any person signifies in writing to the Ministry his agreement to the determination he shall not thereafter be entitled to refer the matter to the Lands Tribunal.

(3) Where a dispute in respect of any determination of the Ministry is not referred to the Lands Tribunal under paragraph (1) within the time specified in that behalf or where all references relating to such determination are withdrawn then the determination shall be treated as conclusive.

(4) Any other question arising under Part I of the Act which falls to be referred to the Lands Tribunal for determination shall be referred within 3 months from the date of the decision or act of the Ministry giving rise to the dispute.

Notice of application

6. Notice for the purpose of section 5(5) of the Act shall be in the form set out in Schedule I.

PART III

CERTIFICATES

Form of applications and certificates

7.—(1) An application for a certificate of development value under section 13 of the Act (hereinafter referred to as "a certificate") shall be made to the Ministry in the form set out in Schedule II.

(2) A certificate shall be in the form set out in Schedule III.