
STATUTORY INSTRUMENTS

1973 No. 1896

**Land Acquisition and Compensation
(Northern Ireland) Order 1973**

PART II

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

Other restrictions on compensation

11.—(1) Where a claim has been made in respect of depreciation of the value of an interest in land caused by the use of any public works and compensation has been paid or is payable on that claim, compensation shall not be payable on any subsequent claim in relation to the same works and the same land or any part thereof (whether in respect of the same or a different interest) except that, in the case of land which is a dwelling, this paragraph shall not preclude the payment of compensation both on a claim in respect of the fee simple and on a claim in respect of a tenancy.

(2) Where a person is entitled to compensation in respect of the acquisition of an interest in land by an authority possessing compulsory acquisition powers, or would be so entitled if the acquisition were compulsory, and—

- (a) the land is acquired for the purposes of any public works; and
- (b) that person retains land which, in relation to the land acquired, constitutes other land or lands within the meaning of section 63 of the Lands Clauses Consolidation Act 1845 or^{F1} Article 8 of the Lands Compensation (Northern Ireland) Order 1982] (compensation for acquisition to include compensation for injurious affection of other land retained),

then, whether or not any sum is paid or payable in respect of injurious affection of the land retained, compensation shall not be payable under this Part in relation to those works on any claim made after the date on which a vesting order in respect of the land acquired becomes operative (or, if the acquisition is by agreement, the date of the agreement) in respect of any interest in the land retained.

(3) Paragraph (2) applies whether the acquisition is before, on or after the date on which this Part comes into force (in this Part referred to as “the commencement date^{F2}”) and, where it is on or after that date, the public works for the purposes of which the land is acquired shall be taken to be those specified in the relevant particulars registered under paragraph (4).

(4) Where on or after the commencement date an authority possessing compulsory acquisition powers acquires land for the purposes of any public works and the person from whom the land is acquired retains land which, in relation to the land acquired, constitutes other land or lands within the meaning of the sections mentioned in paragraph (2), particulars of the land retained and the nature and extent of those works shall be included amongst the matters which are required to be registered in the Statutory Charges Register and accordingly ... *residue adds para.31 to sch.11 of 1970 c.18 (NI)*

(5) In a case in which compensation for injurious affection fell or falls to be assessed otherwise than in accordance with Article 45, paragraph (2) shall not preclude the payment of compensation under this Part in respect of depreciation by public works so far as situated elsewhere than on the land acquired.

(6) Where after a claim has been made in respect of any interest in land the whole or part of the land in which that interest subsists is compulsorily acquired, then, if—

- (a) the value of that land has been diminished by the public works to which the claim relates; but
- (b) the compensation in respect of the compulsory acquisition falls to be assessed without regard to the diminution,

the compensation in respect of the acquisition shall be reduced by an amount equal to the compensation paid or payable on the claim or, if the acquisition extends only to part of the land, to so much of the last-mentioned compensation as is attributable to that part.

(7) Without prejudice to the foregoing provisions of this Article, compensation shall not be payable in respect of the same depreciation both under this Part and any other statutory provision.

F1 [1982 NI 9](#)

F2 i.e. 13.12.1973

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 11.