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STATUTORY INSTRUMENTS

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**1973 No. 1896**

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

**PART II**

**COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS**

**Interests qualifying for compensation**

5.—(1) An interest qualifies for compensation under this Part if it was acquired by the claimant before the relevant date in relation to the claim and the requirements of paragraph (2) or, as the case may be, paragraph (3) are satisfied on the date on which notice of the claim for compensation in respect of that interest is served.

(2) If and so far as the interest is in land which is a dwelling, the said requirements are—

- (a) that the interest is an owner's interest; and
- (b) where the interest carries the right to occupy the land, that the land is occupied by the claimant in right of that interest as his residence.

(3) If and so far as the interest is not in such land as aforesaid, the said requirements are—

- (a) that the interest is that of an owner-occupier; and
- (b) that the land is or forms part of either—
  - (i) a hereditament the annual value of which does not exceed the prescribed amount; or
  - (ii) an agricultural unit.

(4) In this Article “owner's interest”, in relation to any land, means a freehold interest (whether legal or equitable) or a tenancy granted or extended for a term of years of which, on the date of service of the notice of claim in respect thereof, not less than three years remain unexpired.

(5) In this Article “owner-occupier”, in relation to land in a hereditament, means a person who occupies, in right of an owner's interest, the whole or a substantial part of the land and, in relation to land in an agricultural unit, means a person who occupies the whole of that unit and is entitled while so occupying it to an owner's interest in the whole or in any part of that land.

(6) In this Article “the prescribed amount” means the amount for the time being set out in<sup>[F1]</sup> Article 4(1)(b) of the Planning Blight (Compensation) (Northern Ireland) Order 1981] (interests qualifying for protection under planning blight provisions) and “annual value” and “hereditament” have the same meanings as in<sup>[F1]</sup> Article 2(2) of that Order] taking references to the date of service of a blight notice under<sup>[F1]</sup> Article 5 of that Order] as references to the date on which notice of the claim is served.

(7) This Article has effect subject to Articles 13(4), 14 and 15.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 5.