
STATUTORY INSTRUMENTS

1973 No. 1896

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

PART V

COMPULSORY ACQUISITION

Severance of land

Effect of notice under Article 52

53.—(1) If the acquiring authority do not within the period of two months beginning with the date of service of a notice under Article 52 agree in writing to accept the notice as valid the claimant or the authority may within two months after the end of that period refer it to the Lands Tribunal; and on any such reference the Tribunal shall determine whether the claim in the notice is justified and declare the notice valid or invalid.

(2) Where a notice is accepted as, or declared to be, valid under paragraph (1) then if before the expiration of twelve months after it has been so accepted or declared the claimant has given up possession of every part of the agricultural holding to the acquiring authority—

- (a) the requirement to give up possession shall be deemed to have extended to that part of the holding to which it did not relate; and
- (b) the claimant shall be deemed to have given up possession of that part in pursuance of that requirement on the day before the expiration of the year of the tenancy which is current when the notice is so accepted or declared.

(3) Where the claimant gives up possession of an agricultural holding to the acquiring authority as aforesaid but the authority have not been empowered to acquire the landlord's interest in, or in any of, the part of the holding to which the requirement to give up possession did not relate (“the land not subject to compulsory acquisition”)—

- (a) neither the claimant nor the authority shall be under any liability to the landlord by reason of the claimant giving up possession of the land not subject to compulsory acquisition or the authority taking or being in possession of it;
- (b) immediately after the date on which the authority take possession of the land not subject to compulsory acquisition they shall give up to the landlord, and he shall take, possession of that land;
- (c) the tenancy shall be treated as terminated on the date on which the claimant gives up possession of the holding to the acquiring authority or (if he gives up possession of different parts at different times) gives up possession as aforesaid of the last part but without prejudice to any rights or liabilities of the landlord or the claimant which have accrued before that date;
- (d) any rights of the claimant against, or liabilities of the claimant to, the landlord which arise on or out of the termination of the tenancy by virtue of sub-paragraph (c) (whether

under the contract of tenancy or any statutory provision or otherwise) shall be rights and liabilities of the authority and any question as to the payment to be made in respect of any such right or liability shall be referred to and determined by the Lands Tribunal;

- (e) any increase in the value of the land not subject to compulsory acquisition which is attributable to the landlord's taking possession of it under sub-paragraph (b) shall be deducted from the compensation payable in respect of the acquisition of his interest in the remainder of the holding.

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 53.