
STATUTORY INSTRUMENTS

1973 No. 1896

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

PART III

MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

Insulation against noise

Sound-proofing of buildings affected by public works

22.—(1) The Ministry of Development^{F1}, or any other Ministry after consultation with the Ministry of Development^{F1}, may make regulations imposing a duty or conferring a power on responsible authorities to insulate buildings against noise caused or expected to be caused by the construction or use of public works or to make grants in respect of the cost of such insulation.

(2) Regulations under this Article may—

- (a) make provision as to the level of noise giving rise to a duty or power under the regulations and the area in which a building must be situated if a duty or power is to arise in respect of it;
- (b) specify the classes of public works and of buildings in respect of which a duty or power is to arise, and the classes of persons entitled to make claims, under the regulations;
- (c) specify the nature and extent of the work which is to be undertaken under the regulations and the expenditure in respect of which and the rate at which grants are to be made under the regulations;
- (d) make the carrying out of work or the making of grants under the regulations dependent upon compliance with conditions;
- (e) authorise or require the Housing Executive, any district council or public body to act as agents for responsible authorities in dealing with claims and in discharging or exercising the duties or powers of responsible authorities under the regulations;
- (f) make provision for the making by responsible authorities of payments to the Housing Executive, any district council or public body in respect of anything done by them as agents as mentioned in sub-paragraph (e);
- (g) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed;
- (h) make provision for the settlement of disputes arising under the regulations.

(3) Without prejudice to the generality of sub-paragraph (a) of paragraph (2), regulations made by virtue of that sub-paragraph may provide for the relevant level of noise or the relevant area in a particular case to be determined by reference to a document published by or on behalf of the Ministry of Development^{F1} or by any other authority or body or in such other manner as may be provided in the regulations.

(4) If regulations under this Article impose a duty or confer a power to carry out, or make a grant in respect of the cost of, work in respect of a building which is subject to a tenancy on a claim in that behalf made by the landlord or the tenant, provision may also be made by the regulations for enabling the work to be carried out notwithstanding the withholding of consent by the other party to the tenancy.

(5) Regulations under this Article may contain supplementary and ancillary provisions and may make different provision with respect to different areas.

(6) A draft of any regulations under this Article shall be laid before Parliament and the first regulations shall not be made unless the draft has been approved by a resolution of each House of Parliament.

(7) In this Article “public works” and “responsible authority” have the same meaning as in Article 4 except that “public works” does not include an aerodrome and except that “responsible authority”, in relation to a road, includes any person having power to make an order or regulations in respect of that road under^{F2} Part III of the Road Traffic Regulation (Northern Ireland) Order 1997] (traffic regulation).

F1 Now D/Env., SRO (NI) 1973/504; 1976 NI 6

F2 1997 NI 2

Art. 23 rep. by 1994 NI 1

Arts. 24#26 rep. by 1993 NI 15

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Cross Heading: Insulation against noise.