
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

Powers of authorities responsible for other public works

Acquisition of land in connection with public works

27.—(1) Subject to the provisions of this Article, a responsible authority may acquire land by agreement for the purpose of mitigating the adverse effect which the existence or use of any public works will have on the surroundings of the works.

(2) Subject to the provisions of this Article, a responsible authority may acquire by agreement—

(a) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or alteration of any public works;

(b) land the enjoyment of which is seriously affected by the use of any public works,

if the interest of the vendor is^{F3} one which falls within Article 4 of the Planning Blight (Compensation) (Northern Ireland) Order 1981 (interests qualifying for protection under blight provisions) taking references to the date of service of a blight notice under Article 5 of that Order as references to the date on which the purchase agreement is made].

(3) The powers conferred by paragraph 2(b) shall not be exercisable unless the date on which the public works or, as the case may be, the altered public works, are first used falls on or after 17th October 1971 and the powers conferred by paragraphs (1) and (2)(a) shall not be exercisable unless that date falls on or after 17th October 1972, and—

(a) if that date falls not later than one year after the coming into operation of this Part—

(i) the powers conferred by paragraphs (1) and (2)(b) shall not be exercisable unless the acquisition is begun before the end of one year after the coming into operation of this Part or one year after that date, whichever ends later;

(ii) the powers conferred by paragraph (2)(a) shall not be exercisable unless the acquisition is begun before the end of one year after the coming into operation of this Part;

- (b) if that date falls more than one year after the coming into operation of this Part—
 - (i) the powers mentioned in sub-paragraph (a)(i) shall not be exercisable unless the acquisition is begun before the end of one year after that date;
 - (ii) the powers mentioned in sub-paragraph (a)(ii) shall not be exercisable unless the acquisition is begun before that date.
- (4) For the purposes of paragraph (3) the acquisition of any land shall be treated as begun when the agreement for its acquisition is made.
- (5) This Article applies only where the responsible authority have statutory powers to acquire land (whether compulsorily or by agreement) for the purposes of their functions but would not, apart from this Article, have power to acquire land as mentioned in paragraphs (1) and (2).
- (6) In this Article “public works” and “responsible authority” have the same meaning as in Article 4 except that “public works” does not include a road or any works forming part of the works of a statutory undertaker as defined in Article 2(2) of the Planning (Northern Ireland) Order 1972, not being the Post Office or a person authorised to carry on a transport undertaking.

F3 1993 NI 15

Execution of works etc., in connection with public works

- 28.—**(1) A responsible authority may carry out—
- (a) if they have power to acquire land under Article 27, on any land acquired by them under that Article;
 - (b) on any other land belonging to them,
- works for mitigating the adverse effect which the construction, alteration, existence or use of any public works has or will have on the surroundings of the works.
- (2) Without prejudice to the generality of paragraph (1), the works that may be carried out under that paragraph include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.
- (3) A responsible authority may—
- (a) develop or redevelop any land acquired by them under Article 27, or any other land belonging to them, for the purpose of improving the surroundings of public works in any manner which they think desirable by reason of the construction, alteration, existence or use of the works;
 - (b) dispose of any land acquired by them under Article 27.
- (4) This Article applies only where the responsible authority are a body incorporated by or under any statutory provision and has effect only for extending the corporate powers of any such authority.
- (5) In this Article “public works” and “responsible authority” have the same meaning as in Article 4 except that “public works” does not include a road.

Expenses of persons moving temporarily during construction works etc.

Power to pay expenses of persons moving temporarily during construction works etc.

- 29.—**(1) This Article has effect where works are carried out—
- Sub#para. (a) rep. by 1993 NI 15*
- (b) by a responsible authority for the construction or alteration of any public works other than a road,

and the carrying out of those works affects the enjoyment of a dwelling adjacent to the site on which they are being carried out to such an extent that continued occupation of the dwelling is not reasonably practicable.

(2) Subject to paragraph (3), the^{F4} . . . responsible authority,^{F4} . . . , may pay any reasonable expenses incurred by the occupier of the dwelling in providing suitable alternative residential accommodation for himself and members of his household for the whole or any part of the period during which the works are being carried out.

(3) No payment shall be made to any person under this Article in respect of any expenses except in pursuance of an agreement made between that person and the authority concerned before the expenses are incurred; and no payment shall be so made except in respect of the amount by which the expenses exceed those which that person would have incurred if the dwelling had continued to be occupied.

(4) In this Article “public works” and “responsible authority” have the same meaning as in Article 4.

F4 1993 NI 15

Changes to legislation:

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