

Roads Service Policy & Procedure Guide : RSPPG_S031

Title: LAND ACQUISITION – COMPULSORY ACQUISITION

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Classification

Procedure Category : Statutory
Business Category : Legislation
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Notes

This document is a direct replacement for Section 1003 of the Roads Manual as a consequence this document has not passed through the full document control system.

Certification

This document complies with Roads Service policy and practice, and is to be implemented with effect from the date of issue.

(Signed)

Director : Engineering

Certification Date:

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1 Introduction

1.1 Purpose

This Roads Service Policy & Procedure Guide (RSPPG):-

- a) Is aimed at all Roads Service Staff involved with Lands Acquisition.
- b) This RSPPG replaces section 1003 of the Roads Service Roads Manual.

1.2 Definitions

- 1.2.1 "DSO" - Departmental Solicitor's Office
- 1.2.2 "DV" – District Valuer
- 1.2.3 "DRM" – Divisional Roads Manager
- 1.2.4 "VLA" – Valuation and Lands Agency
- 1.2.5 "Roads Order" – Roads (Northern Ireland) Order 1993
- 1.2.6 "LLB" – Lands and Legislation Branch
- 1.2.7 "Act of 1972" – Local Government Act (Northern Ireland) 1972

1.3 Background

- 1.3.1 None

1.4 Implementation

- 1.4.1 This RSPPG is to be implemented with effect from the date of issue.

1.5 Costs and Benefits

- 1.5.1 As this RSPPG is to replace an existing Roads Manual Section the Costs and benefits are not relevant at this time.

2 Roads Service Policy & Procedures

2.1 INTRODUCTION

2.1.1 The procedure leading to the making of a vesting order is flexible to some extent. This section is a general guide which may need to be varied according to circumstances; statutory requirements of course must invariably be complied with.

2.1.2 Each stage of a vesting order should be recorded on a progress register. A specimen format is attached – Appendix 1.

2.2 PRELIMINARY WORK

2.2.1 The design engineer with the approval of the DRM to institute vesting order procedures will provide the Divisional Lands Officer with a suitable preliminary land map to a 1/2500 scale. The map should show the scale, North Point, Ordnance Survey Map Number, town or townlands, and main roads (named and with an indication of destination – nearest village, town, etc).

2.2.2 Although details of ownerships may have been obtained already for a direction order this information should be up-dated to within approximately 3 months of the date on which it is expected to publish the vesting order Notice. For the purpose of establishing ownership details it is necessary to visit Land Registry who will permit examination, without payment of scrutiny fee, of their appropriate 6" scale map on which the boundaries and numbers of registered folios are defined.

(The Ordnance Survey reference numbers of the 6" scale map to be examined, should be ascertained beforehand). The relevant land boundaries and folio numbers should be accurately transferred from the 6" land registry map to the preliminary land map.

2.2.3 A list of folio numbers should be prepared and sent to Land Registry with a written request for a certified copy of each of the folios required; the letter should state that these are required for use in the public service. Where there would appear to be any special reason for so doing, a certified copy of the Land Registry map may be sought but this should normally be unnecessary.

2.2.4 On receipt of the certified copy folios each one should be examined carefully in order to determine registered ownerships and particulars of any registered easements, transfers and burdens etc.

2.2.5 Ownership of unregistered lands can generally be determined through the VLA, but details of ownership, burdens, etc should be sought through consultation with the landowner.

2.2.6 The preliminary land map may now be made ready for the visits to landowners. Each of the lots to be acquired should be distinctively coloured and accurately measured in acres, roods and square yards with separate measurements for land and road-bed. Where more than one folio is in the same ownership separate measurements and colouring will still be needed.

2.2.7 The appropriate details should be entered on each landowner's record sheet (Form LA1, Appendix 2). A file should be opened for each interest if not already opened at the direction order stage.

2.2.8 The Divisional Lands Officer should ascertain whether any of the properties to be affected has been the subject of approvals to buildings, entrances, etc under any of the provisions under Part VII of the Roads Order as the accommodation works to be agreed with the respective landowners may in certain cases require to take account of impending and approved developments.

2.2.9 On receipt of clearance by the DRM each landowner or other interest (lessees, tenants, etc) should be notified of the impending visits (see specimen letter LA2, Appendix 3).

2.2.10 The Divisional Lands Officer will normally be accompanied by the design engineer and initially it may be desirable to enlist the services of the DV.

2.2.11 They will visit each landowner and other interest such as tenants, leaseholders etc, to explain the scheme and to discuss and, where possible, agree works of accommodation; usually more than one visit will be necessary. During such visits discreet enquiries should be made regarding title, burdens, charges etc; the name and address of the landowner's solicitor and agent should be ascertained.

2.2.12 On completion of visits the Divisional Lands Officer should:-

- a) check with the design engineer that the preliminary land plan includes all lands needed for the scheme, finalise the colouring and numbering of each plot to be acquired in the vesting order and obtain from the design engineer a land map negative;
- b) complete form LA1 recording on the reverse side of each a report of the respective visit and send a copy of each to the design engineer for confirmation that the reports, including accommodation works listed, conform with what was discussed and agreed on site.

2.2.13 On receipt of clearance to proceed the Divisional Lands Officer should write by Recorded Delivery to each interest setting out clearly the various matters discussed and agreed during the visit. A copy of the relevant part of the land map stamped "Crown Copyright Reserved" may be sent with the letter if it should help to identify and clarify agreed accommodation works. The letter should advise the interested party that in the event of acquisition, his agent's fees and legal costs will be paid by the Department at the scales appropriate to compulsory acquisition. He should be asked to reply immediately if there is any matter with which he disagrees or which requires clarification.

2.3 VESTING ORDER PROCEDURES

2.3.1 The Divisional Lands Officer should prepare a vesting order schedule of the various interests (specimen schedule – Appendix 4). If there is only one townland involved in the scheme the name of the townland should also be incorporated in the Schedule heading.

2.3.2 The schedule should show:-

- i. the townland or street (where more than one is affected by a scheme);
- ii. the areas in hectares (land, road-bed (if any) and total);
- iii. the names and addresses of persons appearing to have interests in the lands to be acquired. Normally it is unnecessary to mention the owners of such interests as mineral rights, rights-of-residence, etc, but legal advice should be sought if in doubt;
- iv. nature of estate or interest of persons at (iii) e.g. fee simple, fee simple interest in a fee farm rent, tenancy, leasehold;
- v. the reference to lands on the maps attached, e.g., Map No 1 Plot No 1 Red and the folio numbers, if any;
- vi. nature of estate to be acquired – fee simple in all cases.

2.3.3 A separate list would record other interests such as owners of mortgages, charges, etc, to whom a copy of the notice of intention to vest should be sent but whose interests it would be unethical to reveal through publication, being of a private and confidential nature.

2.3.4 Two copies of the finalised land map should be forwarded to the Land Registry Mapping Group, Lincoln Buildings, Belfast with covering letter seeking their approval to the boundaries and areas (if over 0.5 hectares). Land Registry will return one copy of the map with comments.

2.3.5 If more than 9 months have elapsed since the folios were last certified by Lands Registry they should be submitted for recertification and on their return scrutinised for any changes. As a general rule each Land Certificate should be certified or recertified by Land Registry within a period of 3 months before the date of publication of the vesting order notice.

2.3.6 The vesting order schedule and copies of the notices of intention to make a vesting order (Appendices 5 and 6) and vesting order map should be sent to LLB for scrutiny and advice on any matter in doubt. A specimen form of submission is attached at Appendix 7. LLB will clear the vesting order documents with the DSO.

2.3.7 In preparing the notice for publication (Appendices 5/5a/5b) it is important that the land to be acquired should be identified as clearly as possible. Appendix 5 provides for alternative wordings depending on the particular circumstances. When the first form of wording is used the description of the land should be given at the foot of the notice. In cases where a geographical description may not be appropriate the land may be identified by reference to the townland or street and by listing the names and addresses of persons appearing to have an interest.

The second form of wording may be used where it is possible to include a brief description of the land in the body of the notice.

2.3.8 While awaiting the return of the vesting order documents the Divisional Lands Officer should arrange for the preparation of sufficient copies of the vesting order map for issue along with the notices of intention to make a vesting order. These should be coloured to indicate only the individual's interest to be acquired. Complete copies of the vesting order map should also be prepared for issue to statutory undertakers, etc.

2.4

2.4.1 On receipt of the signed notices the Divisional Lands Officer should determine the publication dates and arrange for publication. The closing date for receipt of objections should be determined as one month after the date of last publication. Each newspaper should be sent a copy of the signed notice (Appendices 5/5a/5b) for publication.

2.4.2 The Divisional Lands Officer should send copies of the notice (Appendices 5/5a/5b) and map(s) with appropriate covering letters to:-

- i. the Clerk to the District Council for his information and for the purpose of making the documents available for inspection by the public in accordance with the terms of the notice. A similar letter should issue to any other office in which it is considered desirable that the notice should be made available for inspection (see specimen letter – Appendix 8);
- ii. the District Development Officer (applies to Londonderry only);

- iii. Principal Engineer, Headquarters responsible for monitoring the Roads Programme.

2.4.3 A copy of the notice (Appendices 6/6a/6b) and associated schedule(s) and map(s) should be sent by **Recorded Delivery** to each interest mentioned in the schedule accompanied by a covering letter (see Appendix 9). **Maps sent to landowners and other interests should be coloured only in respect of that particular interest.** Copies should also be sent to the owners of mortgages, charges, etc, with a covering letter (see Appendix 10). Notice of intention should not be sent to a Solicitor or agent unless written direction has been received from the landowner to do so.

2.4.4 A copy of the signed notice (Appendix 5) and associated schedule(s) and map(s) together with copies of those folios which are subject to land purchase annuity and/or church temporalities should be sent to Department of Finance, asking for a forecast of the amount of each land purchase annuity or church temporality which will require to be redeemed to that Department in the event of the vesting order being made (see Appendix 11). Department of Finance will advise in due course and return the copy folios. A copy of their letter should be sent to the VLA with a covering letter.

2.4.5 A copy of the notice (Appendix 5) and associated schedule(s) and map(s) should be sent to:-

- i. the DV, accompanied by typed copies of Appendix 2 for each landowner or other interest and two copies of the compensation report form (Appendix 12) for each interest. The VLA should be kept fully informed of any subsequent changes in agreed works of accommodation as these may have a bearing on assessment of compensation.

- ii. Water Service, Rivers Agency, Environment & Heritage Service, British Telecom, Fire Authority for Northern Ireland, Citybus/Ulsterbus and to the owners of any other public service apparatus in or over the road, e.g. NTL or Phoenix, accompanied by a letter explaining that the notice is given to comply with the requirements of the Roads Order but that it is not intended to cause any practical alteration to the existing arrangements other than such modifications as may be found necessary in the course of the road works.

2.4.6 The DRM should be consulted on any objections received within the period specified in the notice and further negotiations undertaken with the objectors or their agents or solicitors regarding possible withdrawal of the objections.

2.4.6.1 Should the Notice of Intention to Make the Vesting Order have to be withdrawn for any reason, a withdrawal notice will be required (Appendix 20).

2.4.7 If there are outstanding objections and it appears that they cannot be amicably resolved through further negotiation, the DRM should be consulted about the submission of the case to LLB with a recommendation as to whether the objections should either be set aside or referred to a local inquiry.

2.4.8 If HQ decide that a local inquiry should be held it will, in consultation with the DRM arrange the date, time and place of the inquiry and also for the appointment of an Inspector. LLB will also give notice of the inquiry to interested parties. The DSO will arrange for the engagement of Counsel, if necessary. All other arrangements will, in consultation with LLB where necessary, be made by the DRM.

2.4.9 If there are no objections or objections have been set aside the Divisional Lands Officer should send to LLB the draft vesting order (Appendix 13) and associate schedule(s), one copy of the vesting order map(s) on linen and a draft notice of making (Appendix 14). LLB will arrange with the DSO for the preparation of the vesting order. The DSO will retain one typed copy of the vesting order for record purposes.

2.4.10 If unregistered lands are included the DSO should be asked to prepare an application for first voluntary registration which will be needed at the operative date for transmission to Land Registry with the vesting order. The application for first voluntary registration cannot be signed by a senior officer of the Department or an Authorised Officer until the vesting order becomes operative (see paragraph 2.4.16).

2.4.11 On receipt of the vesting order from the DSO, LLB will arrange for signature and sealing of the vesting order. Vesting order maps should also be signed by the senior officer who signs the vesting order.

2.4.12 LLB will send a copy of the notice of making to each objector with a suitable covering letter. When the signed and sealed vesting order and signed notice of making are returned to the DRM, the Divisional Lands Officer should arrange for early publication of the notice of making in one issue of each newspaper in which the notice of intention appeared. Voucher copies of the newspapers concerned should be requested. The Progress Register and the special file or folder kept for press publications should be noted. At this stage the Divisional Lands Officer should notify Lands Service on form PM/1 (see Appendix 19).

2.4.13 The Divisional Lands Officer should obtain copies of the vesting order, schedule(s) and map(s) for issue at the operative date (one for each interest, if necessary, plus 10).

Note: See Para 2.4.3 regarding colouring of maps for individual interest and Para 2.4.20(vii) for notification of each interest.

2.4.14 A copy of the notice of making and of the vesting order, schedule(s) and map(s) should be sent to the appropriate officers for display purposes with suitable covering letter, (i.e. the offices selected for display of the notice of intention).

2.4.15 A copy of the notice of making should be sent to the Principal Engineer, HQ responsible for monitoring of the Roads Programme.

2.4.16 At the expiration of one month from the date of publication of the notice of making, the vesting order becomes operative (see paragraph 5(1)(c) of Schedule 6 to the Act of 1972). However, in accordance with paragraph 6 of Schedule 6 the "operative date" is defined as "the date of vesting" and it should be noted that in the case of registered lands "the date of vesting" is the date of lodgement of the vesting order with the Land Registry or the endorsed date (see para 6(3) of Schedule 6) whichever is the later. Unregistered lands in the vesting order automatically become vested in the Department's ownership at the expiration of one month from the date of publication of the notice of making. Delay in lodging the vesting order with Land Registry should be avoided.

Note: A full month should be allowed, e.g. publication on 16 September would lead to an operative date of 17 October.

2.4.17 If there are unregistered lands in the vesting order the Divisional Lands Officer should arrange for the submission to LLB of the application for first registration for signature by a senior officer of the Department or an Authorised Officer and to be sworn in the DSO. The application for first registration should be sent through the DRM so as to arrive with LLB well before "the operative date" and should be accompanied by a letter signed by the Divisional Lands Officer (undated):-

- i. stating the date of publication of the notice of making;
- ii. requesting the lands to be registered in the Department's ownership either in a new schedule folio or in an existing one if, for instance, a schedule folio had been opened earlier for, say, the first stage of a scheme, (normally a new schedule folio will be requested);
- iii. certifying that the dealing is exempt from payment of fees and that the Department will, where necessary, arrange with the various registered landowners for the submission of their land certificates for registration of lands acquired in the vesting order.

2.4.18 LLB will arrange for the signed and sworn application for first voluntary registration to be delivered along with the original vesting order to the Land Registry. If the application for first registration is not available for delivery along with the vesting order it should be delivered as soon as possible thereafter.

2.4.19 If all lands in the vesting order are registered the vesting order should be delivered to the Land Registry at the expiration of one month from the date of publication of the notice of making with a covering letter as at 4.18 excluding the reference to the application for first voluntary registration.

2.4.20 After the operative date the Divisional Lands Officer should:-

- i. notify the DRM and advise or remind him of any other lands needed for the scheme which have been acquired by agreement or are in process of being acquired;
- ii. notify the Clerk to the District Council;
- iii. place a copy of the vesting order on the main land acquisition file for the scheme;
- iv. place a copy of the vesting order in safe keeping (under lock and key in a steel cabinet): allocate and append a reference number and note this number and details of the document in a suitable register. (The safe reference number of the copy vesting order should also be noted in the progress register and in the main acquisition file for the scheme.);
- v. notify the District Development Officer (in the case of Londonderry only);
- vi. send a copy of the vesting order, or a notice stating that the vesting order has become operative and where it may be inspected, by Recorded Delivery, to each interest mentioned in the schedule with suitable covering letter (Appendix 15) (See also section 1011 Para 2): in the case of registered land advise the landowner that he will be required to submit his land certificate (if the DSO considers it necessary) when he is claiming compensation in order to prove his entitlement: send a copy of the vesting order or notice to the owners of mortgages, charges, etc; (it is not now necessary to require a landowner to lodge his Land Certificate for the purpose of registration of the Vesting Order).
- vii. send a copy of the vesting order to Department of Finance (see para 4.4) and advise of the operative date;
- viii. send a copy of the vesting order to the DV and advise him of the operative date;
- ix. notify BT and Northern Ireland Electricity of the operative date.

2.4.21 If Department of Finance require the redemption of land purchase annuities or church temporalities they will issue to the DRM the appropriate receivable orders which should be promptly paid. The DV should be notified of each redemption.

2.5 PAYMENT OF COMPENSATION AND COSTS

2.5.1 When a compensation settlement has been reached the VLA will report details of the recommended settlement on one copy of Appendix 12. This should be referred immediately to the Principal Engineer (PPTO) in order to verify that circumstances have not arisen on the site which might possibly alter the basis for compensation since it was agreed with the Valuation Officer. The approval of the Department of Finance, Treasury Division should be obtained through LLB in respect of property acquired where it is proposed to exceed the VLA assessment or where there are any unusual features of the acquisition which ought to be referred to Department of Finance.

2.5.2 On receipt of clearance from the PPTO, and the Department of Finance where appropriate, payment of the agreed compensation should be authorised. The file should then be passed to the DSO for examination of title preparatory to the issue of payment (Appendix 16). The DSO will, prior to payment, obtain a statutory receipt (see paragraph 14(1) of Schedule 6 to the Act of 1972).

2.5.3 On receipt of advice from the DSO that compensation may be paid, the Divisional Lands Officer should place a copy of the statutory receipt on the landowners file and lodge the original for safe-keeping, noting the reference number in the register of safe documents and in the progress register.

2.5.4 The Divisional Lands Officer should calculate and check the amount payable. This involves calculation of statutory interest (see paragraph 18 of Schedule 6 to the Act of 1972) for the period from the date of vesting until the date of payment. It should be remembered that the date of payment must be one suited to the system of payment by computer.

2.5.5 The rate of interest varies from time to time on Department of Finance instructions and care should be taken to ensure that the proper rate or rates of interest are applied. The calculations should, after checking, be transferred to the reverse side of accounts payment form AC1(a) (Appendix 17).

2.5.6 Tax at the current standard rate should be deducted from the total amount of calculated interest. This will be paid direct to Inland Revenue.

2.5.7 The remainder of payment form AC1(a) should be completed giving the necessary instructions to the Finance Officer for payment, through the DSO, of compensation plus net interest, the amount of tax shown as a credit to Suspense Account. A certificate of deduction of income tax (form R185 Appendix 18) should be completed in duplicate and accompany the instructions for payment. One copy of R185 will be issued by the DSO with the compensation payment. The other copy will be retained by Accounts Branch for transmission of the tax to Inland Revenue.

2.5.8 The details of payment should be noted in the progress register.

2.5.9

- i. Paragraph 14(2) of Schedule 6 to the Act of 1972 provides that “ the Department shall pay the costs reasonably incurred by any person claiming compensation, to whom compensation is found due, of furnishing any statement, abstract or other evidence of title required by the Department to be furnished by him”.
- ii. The Solicitor’s advice is that this provides for payment only where evidence of title is required by the Department and not otherwise.
- iii. When a claimant’s title is registered in the Land Registry the Solicitor has dispensed with checking title. As evidence of title is not therefore usually required by the Department legal costs are not payable.
- iv. When a claimant’s title is registered in the Registry of Deeds (i.e. unregistered land) and the compensation is £500 or less the Solicitor has dispensed with checking title. As evidence of title is not therefore required by the Department legal costs are not payable.
- v. When a claimant’s title is registered in the Registry of Deeds and the compensation is more than £500 title is checked by the Solicitor. As evidence of title is therefore required by the Department a fee for producing evidence of title is payable.
- vi. The Solicitor has also advised that as a statutory receipt contains merely the claimant’s name and address and the amount of agreed compensation it should be forwarded direct to the claimant by the Divisional Lands Officer.
- vii. If a landowner decides to consult a solicitor where evidence of title has not been required by the Department or in relation to a statutory receipt the costs involved would not necessarily be reimbursed by the Department.
- viii. Divisional Lands Officers should therefore make it clear to persons from whom land is to be acquired by vesting that legal costs will be payable only where the Department requires evidence of title.
- ix. The vendor should be told at the outset that the Department considers he has a duty to mitigate his loss and thus if he chooses to employ a solicitor rather than a surveyor to negotiate for him, the Department will not pay a negotiating fee exceeding that which it would have paid to a surveyor. If nevertheless a solicitor is employed he should be asked to state his claim for negotiations separately from his other duties. Negotiating fees should not be paid to both a solicitor and a surveyor in respect of the same transaction. It is a matter for the DV to agree a negotiation fee.

2.5.10 After payment of compensation the Divisional Lands Officer should arrange:-

- i. for payment of legal costs when these are certified correct by the DSO. Payable Orders will be required by the DSO for issue to claimant's solicitors;
- ii. for payment through the Finance Officer of agent's fees. The agent's account should be certified by an authorised officer who should check that the fee claimed confirms with the scale appropriate to compulsory acquisition (refer to booklet issued by the Royal Institute of Chartered Surveyors and the Chartered Auctioneers and Estate Agents Institute). It is important to note that agent's fees should not be paid until after payment of compensation i.e. until the agent's work has been confirmed by the vendor's acceptance of agreed compensation;
- iii. details of payments of costs should be noted in the progress register.

2.5.11 **TENANT CASES**

2.5.11.1 Solicitors' costs are not paid in tenants cases as a tenant has not interest capable of being conveyed.

2.6 **INTEREST ON COMPENSATION**

2.6.1 The following arrangements have been agreed with the DSO and the VLA.

- a) as far as possible all elements of compensation should be assessed at values prevailing at the operative date. Where appropriate it is essential that the valuation figure for compensation should be broken down into the following elements:-
 - i. value of the land being acquired;
 - ii. disturbance; and
 - iii. injurious affection;
- b) interest on compensation assessed at the operative data is payable from that date;
- c) where any element of compensation, e.g. disturbance, cannot be assessed until after the operative date and is assessed at values subsequently prevailing, interest on that element should be paid only from the date to which the assessment relates. In the case of disturbance this would usually be the actual date of disturbance.

- a) Demands by a claimant for the interest on such an element mentioned in (ii) as from the operative date should be refused. The DSO are prepared to defend the matter at the Lands Tribunal if so referred by the claimant.

2.7 ADVANCE PAYMENT OF COMPENSATION

2.7.1 Where an advance payment of compensation is being made under Article 19 of the Land Compensation (Northern Ireland) Order 1982 it should be noted that no payment of interest should be made until the compensation has been finally established and the outstanding balance paid.

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3 Appendices

3.1 Appendix 1

County or District	DEPARTMENT FOR REGIONAL DEVELOPMENT: LAND ACQUISITION											Safe Registration number
	Scheme					File No.						
	Land Plan received	Land Registry documents ordered	Land owners visited	Land plan to M. of Agriculture	Approved by M. of Agriculture	Map approved by L.R.	N.I.M.V.O. to Solicitors	N.I.M.V.O. published	N.I.M.V.O. published	N.M.V.O. published	Date of making and operative date of V.O.	
Main Sub-file Name		Land Certificate received	L.P.A. redeemed	Claim referred to V.O.	Agreement received from V.O.	Compensation approved and passed to Sol.	Compensation paid	Solicitors' Costs paid	Agents' Fees paid	Surplus Land		
	No											

3.2 Appendix 2

DEPARTMENT FOR REGIONAL DEVELOPMENT –
ROADS SERVICE LAND ACQUISITION

Individual Landowner's Record Sheet

..... Scheme Sub-file T.

Name of Landowner

Address

Solicitor

Agent

Particulars of land to be acquired:-

Townland	Folio No.	L.P.A.	Land Certificate	Title	Reference on Map

Particulars of title to unregistered land (if any):-

Particulars of charges or other special features in title, or of any special arrangements to be made regarding acquisition or disposal.

Accommodation works proposed by Local Surveyor:-

Report on visit (see overleaf)

Date Visited by Lands Branch
..... Engineer
.....(Valuation Office)

3.3 **Appendix 3**

Dear

ROAD SCHEME

The Department is at present considering the _____ of the _____ Road in the vicinity of your land. As the scheme would absorb part of the lands which appear to be in your ownership, I wish to discuss the proposals with you at the earliest possible opportunity.

I will be visiting the area on _____ accompanied by the roads engineer Mr _____ and we hope that you will be available for discussion. If not, perhaps you would let me know what alternative dates and times would be suitable.

Yours

LA2

3.4 Appendix 4

SCHEDULE
DESCRIPTION OF LAND

COUNTY OF DISTRICT OF BARONY OR TOWN OF

Townland Or Street	Area Hectares	Names and Addresses of Persons Appearing to Have An Estate	Nature Of Estate** Of Persons In Co.3	Reference To Land On Attached Map And Folio Number (If Any)	Nature Of Estate** To Be Acquired
1	2*	3	4	5	6

* Col 2 may be divided when necessary into three sub-columns showing Land, Road-bed and Total.

** "Estate" when used with reference to land, includes any legal or equitable estate or interest, easement, right, title, claim, demand, charge, lien or encumbrance in, over, to or in respect of the land.

3.5 Appendix 5

INDIVIDUAL ROAD SCHEMES

(For Newspaper Publication)

DEPARTMENT FOR REGIONAL DEVELOPMENT

(Title and Location of Scheme)

NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development proposes to make an order vesting certain lands at (location) in the Department under the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993.

The Department proposes to acquire the lands for (purpose of the scheme) at (location). A map of the lands may be inspected at all reasonable hours at the Roads Service offices of the Department, (addresses), or at the offices of (alternative name and addresses).

Anyone who wishes to object to the proposed vesting order being made must write to the Divisional Roads Manager, Department for Regional Development, Roads Service – () Division, (address), before (date), giving their reasons.

Signed (Date)

A senior officer of the Department/Authorised Officer*

* Delete as appropriate

3.6 Appendix 5A

CAR PARK

(For Newspaper Publication)

DEPARTMENT FOR REGIONAL DEVELOPMENT
Construction of a Car Park at [Location]
NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development proposes to make an order vesting certain lands at [location] in the Department under the Local Government Act (Northern Ireland) 1972, the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997.

The Department proposes to acquire the lands for [a new/an extension to the existing] car park at [location]. A map of the lands may be inspected at all reasonable hours at the Roads Service offices of the Department, [addresses], or at the offices of [alternative name and address].

Anyone who wishes to object to the proposed vesting order being made must write to the Divisional Roads Manager, Department for Regional Development, Roads Service – [] Division, [address], before [date], giving their reasons.

Signed (Date)

A senior officer of the Department/Authorised Officer*

* Delete as appropriate

3.7 **Appendix 5B**

COMPOSITE ROAD SCHEMES
(For Newspaper Publication)

DEPARTMENT FOR REGIONAL DEVELOPMENT

[Title and Location of Scheme]

NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development proposes to make an order vesting the lands described below in the Department under the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993.

The Department proposes to acquire the lands for road purposes. Maps of the lands may be inspected at all reasonable hours at the Roads Service offices of the Department, [addresses], or at the offices of [alternative name and address].

Anyone who wishes to object to the proposed vesting order being made must write to the Divisional Roads Manager, Department for Regional Development, Roads Service – [] Division, [address], before [date], giving their reasons.

Signed (Date)

A senior officer of the Department/Authorised Officer*

Description of Land:-

* Delete as appropriate

3.8 **Appendix 6**

INDIVIDUAL ROAD SCHEMES
(to be sent to interested parties)

DEPARTMENT FOR REGIONAL DEVELOPMENT
[Title and Location of Scheme]
NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development gives you notice that it proposes to make an order vesting certain lands in the Department under the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993. The lands are described in the schedule to this notice and marked on the accompanying map.

The Department proposes to acquire the lands for [purpose of the scheme] at [location].

If you wish to object to the proposed vesting order being made, you must write to the Divisional Roads Manager, Department for Regional Development, Roads Service – [] Division, [address], before [date], giving your reasons.

Signed (Date)

A senior officer of the Department/Authorised Officer*

* Delete as appropriate

3.9 Appendix 6A

CAR PARK

(to be sent to interested parties)

DEPARTMENT FOR REGIONAL DEVELOPMENT
Construction of a Car Park at [Location]
NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development gives you notice that it proposes to make an order vesting certain lands in the Department under the Local Government Act (Northern Ireland) 1972, the Roads (Northern Ireland) Order 1993 and the Road Traffic Regulation (Northern Ireland) Order 1997. The lands are described in the schedule to this notice and marked on the accompanying map.

The Department proposes to acquire the lands for [a new/an extension to the existing car park] at [location].

If you wish to object to the proposed vesting order being made, you must write to the Divisional Roads Manager, Department for Regional Development, Roads Service – [] Division, [address], before [date], giving your reasons.

Signed (Date)
A senior officer of the Department/Authorised Officer*

* Delete as appropriate

3.10 **Appendix 6B**

COMPOSITE ROAD SCHEMES

(To be sent to interested parties)

DEPARTMENT FOR REGIONAL DEVELOPMENT

(Title and Location of Scheme)

NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development gives you notice that it proposes to make an order vesting certain lands in the Department under the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993. The lands are described in the schedule to this notice and marked on the accompanying map.

The Department proposes to acquire the lands for roads purposes.

If you wish to object to the proposed vesting order being made, you must write to the Divisional Roads Manager, Department for Regional Development, Roads Service – [] Division, [address], before [date], giving your reasons.

Signed (Date)

A senior officer of the Department/Authorised Officer*

* Delete as appropriate

3.11 **Appendix 7**

1. Name of Divisional Roads Manager (through name of Divisional Lands Officer SO (or DP at Hydebank))
2. Name of Director of Corporate Services (through name of DP at HQ)

TITLE OF SCHEME

- | | |
|---------------|--|
| 1st Paragraph | General background of Scheme |
| 2nd Paragraph | Details of proposed road, length, carriageway widths, footways, etc.

Estimated cost, starting date and completion period. |
| 3rd Paragraph | Other relevant details, e.g.:-

Number of interests to be vested;
Possible objectors (if known);
Area to be acquired by Vesting Order;
Area (if any) to be otherwise acquired;

Surplus

Etc. |
| 4th Paragraph | Indication that DRM wishes vesting to proceed and that financial provision has been made by Division. |

Notice of Intention to make Vesting Order is submitted herewith for signature by a senior officer of the Department or an authorised officer prior to publication.

LANDS OFFICER
Lands Branch
Roads Service -Division
Divisional Address

Date

3.12 **Appendix 8**

Dear

(SCHEME)

I enclose a copy of the Department's notice of intention to make a vesting order for the above scheme which is to be published in the _____ and _____ during the weeks ending _____ and _____

In accordance with the terms of the notice I should be obliged if you would arrange for the notice and associated map(s) to be made available for inspection by any person who may be interested.

Yours faithfully

ENC

3.13 Appendix 9

Dear

(SCHEME)

As already explained to you, the Department proposes to carry out the above scheme which necessitates the acquisition of some land in which you have an interest.

In pursuance of the provisions of the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993, I enclose a formal notice of the Department's intention to make a vesting order, together with a schedule and map specifying the land which the Department proposes to acquire from you. A similar notice will be published in the issues of the _____ for the weeks ending _____ and _____

Yours faithfully

3.14 **Appendix 10**

Dear

(SCHEME)
FOLIO

CO

It would appear from the above-mentioned folio that you are registered as owner of a Charge on the lands contained therein. I am, therefore, enclosing for your information, a copy of the notice of intention to make a vesting order in respect of lands required in connection with the above-named road improvement scheme.

A similar notice is being published in the issues of the
and the
on the/during the weeks ending

Yours faithfully

Control COPY

3.15 **Appendix 11**

Dear

(SCHEME)

In accordance with agreed arrangements, I enclose a copy of the Department's notice of intention to make a vesting order for the above scheme.

Arrangements are being made for publication of a similar notice in the _____ and _____ during the weeks ending _____ and _____

Also enclosed are certified copy folios nos. _____ County _____ which appear to be subject to payment of land purchase annuity. The Department would wish to have an advance forecast of the amount of the annuity in each case which would require to be redeemed in the event of the proposed vesting order being made.

Yours faithfully

3.16 **Appendix 12**

Dept for Regional Development – Roads Service Land Acquisition

COMPENSATION REPORT FORM

A. General Particulars

_____ Scheme County _____ File No. _____

Claimant _____ Address _____

Solicitors _____

Agents _____

Areas of land being acquired	Land Hectares	Road-bed Hectares	Total Hectares
Plot No.			
Plot No.			
Plot No.			

B. Particulars of Title

Plot No.	Folio No.	Title	L.P.A. Per annum	Amount to be Redeemed

Burdens or other special features in title _____

C. General Observations

D. To The Commissioner of Valuation, Valuation Office, 64 Chichester St, Belfast BT1 4JX-

Please commence compensation negotiations as soon as possible with the above-named and return one copy of this form in due course with your report entered at E. below.

_____ Date _____, 20__

E. Report by Valuation Office

To: Department for Regional Development – Roads Service

Signed _____

Date _____ 20__

VALUATION OFFICE

Version : 3

3.17 **Appendix 13**

DEPARTMENT FOR REGIONAL DEVELOPMENT
ROADS (NORTHERN IRELAND) ORDER 1993
[Title And Location Of Scheme]
VESTING ORDER

Whereas the Department for Regional Development in pursuance of the provisions of the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993 has given the prescribed notice of its intention to make an order vesting in it the land described in the [first] Schedule hereto for the purposes of its functions under the said Order.

Now therefore the Department for Regional Development in exercise of the powers vested in it by the above-mentioned Act and Order hereby orders and declares that the land described in the [first] Schedule hereto and more particularly delineated and described on the map attached hereto shall vest in the said Department for an estate in fee simple freed and discharged from all claims or estates whatsoever [except as is specified in the 2nd Schedule hereto] in accordance with an subject to the provisions of Schedule 5 to the said Order.

Dated this day of 20

SEALED with the Official Seal)
of the Department for Regional)
Development in the presence of:)
)
)
)
A senior officer of the Department)
for Regional Development)

3.18 **Appendix 14**

(For Circulation/Newspaper Publication)

DEPARTMENT FOR REGIONAL DEVELOPMENT

[Title and Location of Scheme]

NOTICE OF MAKING OF VESTING ORDER

The Department for Regional Development today made an order vesting certain lands at [location] in the Department under the Local Government Act (Northern Ireland) 1972, the Roads (Northern Ireland) Order 1993/* and the Road Traffic Regulation (Northern Ireland) Order 1997.

A copy of the vesting order and related map may be inspected at all reasonable hours at the Roads Service offices of the Department, [addresses], or at the office of [alternative name and address].

Signed

(Date)

Authorised Officer

* To be included where land is required for car parking purposes

3.19 Appendix 15

Dear Sir/Madam

[NAME OF SCHEME]

I refer to previous correspondence and now enclose in accordance with paragraph 5(d) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 as amended by Schedule 7 to the Roads (Northern Ireland) Order 1993, a copy of the Vesting Order dated _____ which became operative on _____

[ALTERNATIVE PARAGRAPH: I refer to previous correspondence. A copy of the Vesting Order dated _____ which became operative on _____ may be inspected at _____.]

In connection with this I would advise you that:-

- i. ownership of the land comprised in the Vesting Order is now vested in the Department in fee simple as from the operative date;
- ii. [compensation for the interest you held in the property will be payable by the Department. A claim form is enclosed for completion and return to the Department as soon as possible];

[Here include a reference to Home Loss or Disturbance Payments as appropriate to a business or residential tenant];

- iii. compensation will be negotiated on the Department's behalf through the Commissioner of Valuation. You may wish to appoint an agent or Solicitor to act on your behalf; their fees will be payable by the Department at the appropriate scales in force at the date of vesting; [You may be asked to produce your Land Certificate in order to prove your entitlements;]

- iv. interest on the amount of compensation will be paid by the Department for the period between the operative date and the date of payment;

Version : 3

v. payments for continued use and occupation of the property will be payable to the Department of Social Development Lands Service until such time as you have given vacant possession. Lands Service will be in touch with you shortly to make the necessary arrangements.

[When it becomes necessary for roads purposes to ask you to give up possession of the property as long a period of notice as possible will be given]. [The Department wishes to proceed with the road works as quickly as possible. I should be grateful if you would make immediate arrangements to enable the Department to have vacant possession].

Yours faithfully

LANDS OFFICER

3.20 **Appendix 16**

DEPARTMENT FOR REGIONAL DEVELOPMENT
ROADS – LAND ACQUISITION

File No

Name of Scheme _____

Vesting Order dated _____

and operative on _____

Name of claimant _____

1. Mr _____

Compensation has been provisionally agreed between the Valuation Office and the above-named claimant, and the settlement which is reported on the attached LA 14 is referred to you for formal approval.

_____ 20 _____

2. Settlement approved at £

_____ 20 _____

3. Departmental Solicitor's Office

The sub-file concerning the above-named claimant is referred to you in order that you may commence arrangements for the payment of the approved compensation.

LA 16

3.21 **Appendix 17**

DEPARTMENT FOR REGIONAL DEVELOPMENT File Ref: _____

PAYMENT
Land Acquisition

Scheme: _____

A. Accounts Branch:

Will you please issue on _____ under cover of the attached letter/through the
Departmental Solicitor's Office a payable order in accordance with the following details:-

Payee _____

Amount £ _____

Payment in respect of:-

- (a) _____ Advance of Compensation;
- (b) Compensation/Compensation in respect of Market Value Balance of Compensation and net interest (less rent);
- (c) Legal Costs/Agents Fees incurred on behalf of _____
_____;
- (d) _____

- See calculation overleaf

B. ALLOCATION

C. For use in Accounts Branch

Suspense Account	Amount	Examined by _____ Passed for payment by _____ on _____
_____	£ _____	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> STAMP </div>
_____	£ _____	
_____	£ _____	
_____	£ _____	
_____	£ _____	
Total	£ _____	

Payment prepared by _____ checked by _____

Payment authorised by _____

AC1(a) on _____

Version : 3

D. COMPUTATION OF NET AMOUNT PAYABLE

COMPENSATION/BALANCE OF COMPENSATION £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

Interest on £ _____ at % _____

From _____ to _____ £ _____

TOTAL INTEREST £ _____

Less tax @ _____ in the pound £ _____

NET INTEREST £ _____

TOTAL AMOUNT DUE £ _____

Less deductions:

_____ £ _____

_____ £ _____

_____ £ _____

_____ £ _____

TOTAL DEDUCTION £ _____

NET AMOUNT PAYABLE £ _____

- Two copies of a Certificate of Income Tax Deduction are enclosed, one for forwarding to Inland Revenue, and one for forwarding to the payee.

3.22 **Appendix 18**

CERTIFICATE OF DEDUCTION OF INCOME TAX (for payments under Deed of Covenant please use form R185 (AP))

I certify that on paying to.....
of.....

the sum shown in column 3 below, I deducted the amount of income tax shown in column 4, and I further certify that this tax has been or will be paid by me either directly or by way of deduction from other income when received by me.

Signature (see Note (a))Date 19....

Enter here – your private address					
Enter here – if you are in business – your business address or if you are employed – the name and address of your employer					
Name of trust etc and Tax..... District and reference (where applicable)					
Nature of the payment e.g. mortgage or loan interest, annuity, rent, payments from a discretionary trust etc. (1)	Profits or other source out of which paid (2)	Gross amount from which I have deducted the tax (3)	Amount of income tax deducted by me (see Notes (b) and (c)) (4)	Actual amount paid (5)	Period (i.e. year, half year etc) for which the payment was due, date on which due and the actual date of payment in cases referred to in Note (d) below (6)
		£	£	£	
NOTES (a) This form should be signed by the person deducting the tax and responsible for accounting for it to the Revenue. Where the person concerned is deducting the tax on behalf of his employer, e.g., as secretary, cashier, etc, this should be stated. (b) This form should not be used where income tax has not in fact been deducted from the gross amount payable. (c) In the case of a payment made by Trustees of a discretionary trust in exercise of their discretion, enter in column 5 the actual amount paid, in column 4 the amount of tax treated as deducted at a rate equal to the basic rate and the higher additional rate for the year of payment, and in column 3 the corresponding gross amount i.e. the total of the amounts in columns 4 and 5. (d) Where any payment is made upon the exercise of a trustee's discretion or in arrears, enter the actual date of payment(s).				Please do not write in the space below "I.R." stamp "Duty assessed" stamp	

3.23 Appendix 19A

FORM TO BE USED TO NOTIFY LANDS SERVICE MANAGEMENT SECTION OF DETAILS OF A PROPERTY FOR MANAGEMENT BY LANDS SERVICE

To: Lands Service
..... Division

From: Service
..... Division

NOTIFICATION OF PROPERTY FOR MANAGEMENT PURPOSES

Please arrange for the property the details of which are stated below to be taken into the management of Lands Service.

- 1. Address of the property. _____

- 2. Date on which the property *came/will come into DOE's ownership.
- 3. Functional Service & Division for which the property is being or has been acquired. Service
Division
- 4. Mode of acquisition? *Vesting/Agreement/Blight
- 5. Compulsory powers available for purchase? *YES/NO
- 6. Is the property-
(a) a house/commercial or land? (a) *House/commercial/land
(b) if land, state what acreage (b) Acreage
(c) is it vacant or occupied? (c) *Vacant/occupied.....
- 7. (a) When is the scheme for which the property is required programmed to commence? (a)
(b) When is possession required? (b)
- 8. What interest(s) are being or have been acquired and from whom?
- 9. Location map *1250 (urban) attached
2500 (rural)

Signed: _____

Date: _____

*Delete as appropriate

3.24 **Appendix 19B**

**FORM TO BE USED TO NOTIFY LANDS SERVICE MANAGEMENT SECTION
OF PROPERTY FOR MANAGEMENT BY LANDS SERVICE**

(case where 5 or more properties are acquired together)

To: Lands Service
..... Division

From: Service
..... Division

Please arrange for the property the details of which are stated below and on the attached vesting/schedule and map to be taken into the management of Lands Service.

1. Title of the Vesting Order.
2. Date Vesting Order signed. (If the date of notification below is more than 2 weeks after this, explain why briefly.
.....
.....
3. Operative date of the vesting order.
4. Number of properties.
5. Name of the scheme for which the vesting order was made.
6. Date of commencement of the scheme for which the vesting order was made.
7. Date vacant possession of all properties required.

Signed _____

Date _____

INDIVIDUAL ROAD SCHEMES
(For Newspaper Publication and to be sent to interested parties)

DEPARTMENT FOR REGIONAL DEVELOPMENT
THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972
THE ROADS (NORTHERN IRELAND) ORDER 1993
(Title and Location of Scheme)

WITHDRAWAL OF NOTICE OF INTENTION TO MAKE A VESTING ORDER

The Department for Regional Development hereby withdraws its Notice of Intention to Make a Vesting Order of certain lands at (location), as published on (date) in the (name of paper(s)).

Signed: _____
An authorised officer of the Department for Regional Development

Date: _____

Roads Service Policy & Procedure Guide : RSPPG_S1003

Title: Land Acquisition – Compulsory Acquisition

Document History

Version	Date	Author	Authorised by Document Control Panel Members Name : Signature
1	14/08/00	R Newell	R Wilson
2	23/06/04	R Sherman	R Wilson
3	27/10/05	R Sherman	R Wilson

Overall Reasons For This Version

Version	Reasons
1	First issue of RSPPG
2	To provide for the withdrawal of the Notice of Intention to Make a Vesting Order.
3	Level of approval for release of file to DSO

Revision Details

Version	Amendments
2	New section 2.4.6.1 and Appendix 20 added
3	Section 2.5 amended