



An Bille um Ordú Ceannaigh Éigeantaigh, 2025
Compulsory Purchase Order Bill 2025

Meabhrán Miniúcháin
Explanatory Memorandum



AN BILLE UM ORDÚ CEANNAIGH ÉIGEANTAIGH, 2025 COMPULSORY PURCHASE ORDER BILL 2025

EXPLANATORY MEMORANDUM

Purpose of the Bill

The Compulsory Purchase Order Bill 2025 aims to modernize and streamline the process of compulsory land acquisition in Ireland. The bill ensures fair compensation for landowners and establishes clear procedures for acquiring authorities, replacing outdated laws with a more efficient and transparent system.

Background

The Law Reform Commission published a report on 29 March 2023. This bill, which forms part of that report, addresses the need to update and consolidate existing legislation on compulsory land acquisition, replacing the Lands Clauses Consolidation Act 1845 and the Acquisition of Land (Assessment of Compensation) Act 1919. These laws are outdated and difficult to understand. The bill introduces new provisions to enhance transparency, efficiency, and fairness in the land acquisition process.

Overview of Provisions

Part 1: Preliminary and General

- **Short Title and Commencement:** Specifies the title of the Act and its commencement dates.
- **Definitions:** Provides definitions for key terms used throughout the Act.
- **Regulations:** Empowers the Minister to prescribe regulations for matters referred to in the Act.
- **Time Periods:** Allows the Minister to vary time periods for acquisitions due to public importance.
- **Particulars of Claim:** Requires owners, lessees, or occupiers to provide details of their claim for compensation.
- **Service of Notices and Vesting Order:** Details the methods for serving notices and orders.
- **Time Limit for Claiming Compensation:** Sets time limits for bringing compensation claims.
- **Withdrawal of Notice to Treat:** Allows acquiring authorities to withdraw notices within six weeks, with compensation for losses incurred.
- **Agreement Between Parties:** Permits parties to agree on acquisition and compensation outside the Act.

- **Repeals and Revocations:** Lists repealed Acts and revoked instruments.
- **References:** Updates references in other enactments to align with the new Act.
- **Transitional Arrangements:** Ensures ongoing processes under repealed provisions continue until completion.

Part 2: Vesting Orders

- **Procedure:** Details the process for making and serving vesting orders, which transfer ownership of land to the acquiring authority and ensure compensation is paid earlier.
- **Persons Who Cannot Be Found or Ascertained:** Provides procedures for paying compensation into court when owners cannot be found or cannot prove ownership.

Part 3: Advance Payment

- **Right to Advance Payment:** Allows owners, lessees, or occupiers to request advance payments of at least 90% of the estimated compensation before the final amount is agreed or determined.
- **Conditions for Advance Payment:** Sets conditions for advance payments, especially for mortgaged land.

Part 4: Compensation

- **Determination by Tribunal:** Specifies the process for the Valuation Tribunal to determine compensation if parties cannot agree. The Tribunal is a permanent body with expertise in land valuation, ensuring consistency and transparency.
- **Principles of Compensation:** Defines how compensation is assessed, including market value, consequential loss, equivalent reinstatement, severance, and injurious affection.
- **Interest:** Details interest payable on compensation and advance payments.

Schedules

- **Schedule 1:** Lists repealed Acts.
- **Schedule 2:** Lists revoked instruments.

Financial Implications

The bill may have financial implications for acquiring authorities, particularly in terms of advance payments and compensation. However, it aims to provide a fair and transparent process, potentially reducing disputes and associated costs.

Consultation

The bill has been developed following consultations with relevant stakeholders, including property owners, legal experts, and public authorities, to ensure it addresses the needs and concerns of all parties involved.

Compatibility with Human Rights

The bill has been reviewed for compatibility with human rights obligations and is considered to align with these standards, ensuring fair treatment and compensation for affected parties.

Conclusion

The Compulsory Purchase Order Bill 2025 represents a significant step forward in ensuring fair and transparent processes for compulsory land acquisition in Ireland. By updating and consolidating existing legislation, the bill aims to protect the rights of affected parties while providing clear guidelines for acquiring authorities.

*James Geoghegan, TD,
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