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STATUTORY INSTRUMENTS

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**1973 No. 1896**

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

**PART IV**

**PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND**

*Home loss payments*

**Right to home loss payment where person displaced from dwelling**

- 30.**—(1) Where a person is displaced from a dwelling on any land in consequence of—
- (a) the compulsory acquisition of an interest in the dwelling;
  - (b) the making or acceptance of a housing order or undertaking in respect of the dwelling;
  - (c) where the land has been previously acquired or appropriated by an authority possessing compulsory acquisition powers and is for the time being held for the purposes for which it was acquired or appropriated, the carrying out of [<sup>F1</sup> any improvement of the dwelling or of] redevelopment on the land;
  - <sup>F1</sup>(d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and which at the date of the displacement is registered,]

he shall, subject to the provisions of this Article and Article 32, be entitled to receive a payment (in this Order referred to as a “home loss payment”) from—

- <sup>F2</sup>(i) where sub-paragraph ( a ) applies, the acquiring authority;
- (ii) where sub-paragraph ( b ) applies, the authority who made the order or accepted the undertaking;
- (iii) where sub-paragraph ( c ) applies, the authority carrying out the improvement or redevelopment; and
- (iv) where sub-paragraph ( d ) applies, the housing association carrying out the improvement or redevelopment].

[<sup>F3</sup>(2) A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—

- (a) he has been in lawful occupation of the dwelling, or a substantial part of it, as his only or main residence; and
- (b) he has been in such occupation by virtue of an interest or right to which this Article applies, but, if those conditions are satisfied on the date of displacement, a payment (referred to in this Article and Articles 32 and 33 as a “discretionary payment”) may be made to him of an amount not exceeding the amount to which he would have been entitled if he had satisfied those conditions throughout that period.]

(3) For the purposes of this Article a person shall be deemed to have been displaced from a dwelling in consequence of the compulsory acquisition of an interest therein ...<sup>F4</sup> if, after the notice of application for, or the notice of intention to make, a vesting order in respect of that interest has been published ...<sup>F4</sup> but before such an order becomes operative, he gives up occupation of the dwelling by arrangement with the Housing Executive or with the authority proposing to acquire the dwelling compulsorily.

[<sup>F5</sup>(3AA) For the purposes of this Article a person shall be deemed to have been displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if the acquisition is in pursuance of the service by him of a blight notice, within the meaning of Article 2(2) of the Planning Blight (Compensation) (Northern Ireland) Order 1981, served on or after the date of the coming into operation of Article 36 of the Planning (Amendment) (Northern Ireland) Order 2003.]

<sup>F1</sup>(3A) For the purposes of this Article a person shall not be treated as displaced from a dwelling in consequence of the acceptance of an undertaking or of the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of the works specified in the undertaking or, as the case may be, of the improvement in question.

(3B) For the purposes of this Article a person shall be deemed to have been displaced from a dwelling in consequence of the making of a housing order in relation thereto if—

- (a) the Housing Executive is satisfied that the dwelling is unfit for human habitation<sup>F6</sup>. . . ; and
- (b) the person vacating the dwelling gives up occupation by arrangement with the Housing Executive.]

(4) This Article applies to the following interests and rights—

- (a) any interest in the dwelling including a right to occupy the dwelling as a statutory tenant to whom section 15 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920<sup>F7</sup> or section 18 of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1940<sup>F7</sup> applies;
- (b) a right to occupy the dwelling under a contract at a rent which includes payment for the use of furniture or for services;
- (c) a right to occupy the dwelling under a contract of employment.

*Para. (5) rep. by 1992 NI 8*

(6) Where an authority possessing compulsory acquisition powers acquire the interest of any person in a dwelling by agreement, then, in relation to any other person who is displaced from the dwelling in consequence of the acquisition, paragraphs (1) to (4) shall have effect as if the acquisition were compulsory and a vesting order in respect of the dwelling had become operative when the agreement was made.

*Para. (7) rep. by 1977 NI 8*

(8) Where an interest in a dwelling is vested in trustees (other than a sole tenant for life within the meaning of the Settled Land Acts 1882 to 1890) and a person beneficially entitled (whether directly or derivatively) under the trusts is entitled or permitted by reason of his interest to occupy the dwelling, he shall be treated for the purposes of this Article as occupying it by virtue of an interest in the dwelling.

(9) In this Article—

[<sup>F2</sup> “housing order” means a demolition, closing or clearance order under Chapter II of Part III of the Housing (Northern Ireland) Order 1981 [<sup>F8</sup> or a closing order under paragraph 6 of Schedule 7A to the Housing (Northern Ireland) Order 1981];]

[<sup>F1</sup> “improvement” includes alteration and enlargement;]

[<sup>F6</sup>“undertaking” means an undertaking accepted under paragraph 5 of Schedule 4 to the Housing (Northern Ireland) Order 1992;]

“redevelopment” includes change of use.

(10) This Article [<sup>F5</sup> except paragraph (3AA)] applies if the date of displacement, or in the case within paragraph (3) the giving up of occupation, is on or after 17th October 1972.

<b>F1</b>	1981 NI 3
<b>F2</b>	1981 NI 3
<b>F3</b>	1992 NI 8
<b>F4</b>	1977 NI 8
<b>F5</b>	2003 NI 8
<b>F6</b>	1992 NI 15
<b>F7</b>	1978 NI 20
<b>F8</b>	1983 NI 15

**Changes to legislation:**

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 30.