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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*

**Supplementary provisions about home loss payments**

**32.**—<sup>F1</sup>(1) No home loss payment or discretionary payment shall be made except on a claim in writing—

- (a) made by the claimant before the expiration of the period of 6 months beginning with the date of displacement; and
- (b) giving such particulars as the authority responsible for making the payment may reasonably require for the purpose of determining whether the payment should be made and, if so, its amount.

(2) Where a person is entitled to a home loss payment, the payment shall be made on or before the latest of the following dates—

- (a) the date of displacement;
- (b) the last day of the period of three months beginning with the making of the claim; and
- (c) where the amount of the payment is to be determined in accordance with Article 31(1), the day on which the market value of the interest in question is agreed or finally determined.

(2A) Where the amount of the payment is to be determined in accordance with Article 31(1)—

- (a) the acquiring authority may at any time make a payment in advance; and
- (b) if, on the later of the dates referred to in paragraph (2)(a) and (b), the market value of the interest in question has not been agreed or finally determined, the acquiring authority shall make a payment in advance (where they have not already done so).

(2B) The amount of the payment in advance shall be the lesser of—

- (a) the maximum amount for the purposes of Article 31(1);
- (b) 10 per cent. of the amount agreed to be the market value of the interest in question or, if there is no such agreement, 10 per cent. of the acquiring authority's estimate of that amount.

(2C) Where the amount of a payment in advance differs from the amount of the home loss payment, the shortfall or excess shall be paid by or, as the case may be, repaid to the acquiring authority when the market value of the interest in question is agreed or finally determined.

(3) Where the claimant has satisfied, throughout any period, the conditions mentioned in Article 30(2), that period shall be treated for the purposes of that paragraph as including any immediately preceding period throughout which—

- (a) he has resided in the dwelling as his only or main residence but without satisfying those conditions; and
- (b) another person or other persons have satisfied those conditions,

and references in this paragraph and paragraph (3A) to a dwelling include a reference to a substantial part of it.

(3A) Where the claimant has satisfied, throughout any period, the conditions mentioned in Article 30(2), that period (or that period as extended under paragraph (3)) shall be treated for the purposes of Article 30(2) as including any immediately preceding period, or successive periods, throughout which he satisfied the conditions mentioned in Article 30(2) in relation to another dwelling or, as the case may be, other dwellings (applying paragraph (3) to determine the length of any period or periods).]

(4) Where a person (“the deceased”) dies before the expiration of the period for making a claim to a home loss payment and would have been entitled to such a payment if he had made a claim within that period, a claim to that payment may be made, before the expiration of that period, by any person, not being a minor, who—

- (a) throughout a period of not less than<sup>[F1]</sup> one year] ending with the date of displacement of the deceased, has resided in the dwelling, or a substantial part of it, as his only or main residence; and
- (b) is entitled to benefit by virtue of testamentary dispositions taking effect on, or the law of intestate succession or the right of survivorship between joint tenants as applied to, the death of the deceased.

(5) Where the claimant has successively been in occupation of or resided in different dwellings in the same building, being dwellings consisting of a room or rooms not constructed or structurally adapted for use as a separate dwelling, Article 30(2) and<sup>[F1]</sup> paragraphs (3) to (4)] shall have effect as if those dwellings were the same dwelling.

(6) Where there are two or more persons entitled to make a claim to a home loss payment in respect of the same dwelling (whether by virtue of joint occupation or paragraph (4)) the payment to be made on each claim shall be equal to the whole amount of the home loss payment divided by the number of such persons.

(7) Where an interest in a dwelling is acquired by agreement by an authority possessing compulsory acquisition powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any home loss payment<sup>[F1]</sup> or discretionary payment] which they would be required<sup>[F1]</sup> or authorised] to make to him if the acquisition were compulsory and a vesting order in respect of that interest had been made before he gave up occupation of the dwelling.

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

*Para. (9) rep. by 1977 NI 8*

<b>F1</b> 1992 NI 8
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**Changes to legislation:**

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 32.