
STATUTORY INSTRUMENTS

1973 No. 1896

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

PART IV

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Rehousing

Duty to rehouse residential occupiers

40.—(1) Where a person is displaced from residential accommodation on any land in consequence of—

- (a) the acquisition of the land by an authority possessing compulsory acquisition powers;
- (b) the making or acceptance of a housing order or undertaking in respect of a house on the land;
- (c) where the land has been previously acquired or appropriated by an authority possessing compulsory acquisition powers and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of [^{F1} any improvement to a house or building on the land or of] redevelopment on the land,

and suitable alternative residential accommodation on reasonable terms is not otherwise available to that person, then, subject to the provisions of this Article, it shall be the duty of the Housing Executive to secure that he will be provided with such other accommodation.

(2) Paragraph (1) shall not by virtue of sub-paragraph (a) thereof apply to a person if the acquisition is in pursuance of the service by him of a blight notice under [^{F2} Article 5 of the Planning Blight (Compensation) (Northern Ireland) Order 1981]

(3) Paragraph (1) shall not apply to any person to whom money has been advanced—

- (a) under Article 42;
- (b) under the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948, section 14 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 , or section 14 of the Housing Executive Act (Northern Ireland) 1971 ;

^{F1}(c) under Article 9 of the Housing (Northern Ireland) Order 1981 ;]

for the purpose of enabling him to obtain accommodation in substitution for that from which he may be displaced as mentioned in that paragraph.

(4) For the purposes of paragraph (1) a person shall not be treated as displaced in consequence of any such acquisition [^{F1}, improvement] or redevelopment as is mentioned in sub-paragraph (a) or (c) of that paragraph unless he was lawfully residing in the accommodation in question—

- (a) in the case of land acquired compulsorily, at the time when the notice of application for, or the notice of intention to make, the vesting order was first published;
- (b) in the case of land acquired under an Act or Measure specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for that Act or of the proposed Measure specifying the land were first published;
- (c) in the case of land acquired by agreement, at the time when the agreement was made;

and a person shall not be treated as displaced in consequence of any housing order or undertaking as mentioned in sub-paragraph (b) of that paragraph unless he was lawfully residing in the accommodation in question at the time when the order was made or the undertaking was accepted.

^{F3}(4A) For the purposes of paragraph (1) a person shall not be treated as displaced in consequence of the acceptance of an undertaking or of the carrying out of any improvement to a house or building unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of the works specified in the undertaking or, as the case may be, the carrying out of the improvement.]

(5) In this Article “housing order”, “undertaking”, [^{F4}“improvement” and “redevelopment”] have the meanings assigned to them by Article 30(9).

F1	1981 NI 3
F2	1981 NI 16
F3	1981 NI 3
F4	1981 NI 3

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 40.