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SCHEDULES

SCHEDULE 5

Section 68.

PAYMENTS TO OWNER-OCCUPIERS AND OTHERS IN RESPECT OF UNFIT HOUSES PURCHASED OR DEMOLISHED

Right to and amount of payments

- 1 (1) Where a house has been purchased at site value in pursuance of a compulsory purchase order made by virtue of Part II or Part III of the Act of 1957 or in pursuance of an order under paragraph 2 of Schedule 2 to the Land Compensation Act 1961, or has been vacated in pursuance of a demolition order under Part II of the Act of 1957, a closing order under section 17 of that Act or a clearance order, then, if—
- (a) the relevant date is later than 23rd April 1968 ; and
 - (b) on the relevant date and throughout the qualifying period the house was wholly or partly occupied as a private dwelling and the person so occupying it (or, if during that period it was so occupied by two or more persons in succession, each of those persons) was a person entitled to an interest in that house or a member of the family of a person so entitled ;
- the authority concerned shall make in respect of that interest a payment of an amount determined in accordance with paragraphs 2 and 3 of this Schedule.
- (2) Where an interest in a house purchased or vacated as mentioned in sub-paragraph (1) of this paragraph was acquired by any person (in this sub-paragraph referred to as the first owner) after 23rd April 1968 and less than two years before the relevant date, and a payment under sub-paragraph (1) of this paragraph in respect of that interest would have fallen to be made by the authority concerned had the qualifying period been a period beginning with the acquisition and ending with the relevant date, the authority concerned shall make to the person who was entitled to the interest at the date the house was purchased or vacated a payment of the like amount, if—
- (a) the authority are satisfied that before acquiring the interest the first owner had made all reasonable enquiries to ascertain whether it was likely that the order, notice or declaration by reference to which the relevant date is defined in paragraph 5(1) of this Schedule would be made or served within two years of the acquisition and that he had no reason to believe that it was likely ; and
 - (b) the person entitled to the interest at the date when the house was purchased or vacated was the first owner or a member of his family.
- (3) Where during a part of the qualifying period amounting, or during parts thereof together amounting, to not more than one year a person previously in occupation of the whole or part of the house was not in occupation thereof by reason only of a posting in the course of his duties as a member of the armed forces of the Crown or of a change in the place of his employment or occupation he shall be deemed for the purposes of this paragraph to have continued in occupation during that part or those parts.

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- 2 Subject to paragraph 3 of this Schedule, the amount of any payment made under the preceding paragraph in respect of an interest shall be an amount equal to its full compulsory purchase value less the compensation which was or would have been payable in respect of the interest in connection with the compulsory purchase of the house at site value.
- 3 (1) The amount which would otherwise be payable under paragraph 1 of this Schedule shall be reduced by such part, if any, of that amount as may reasonably be attributed to any part of the house occupied for any purposes other than those of a private dwelling at the date of the making of the compulsory purchase order, demolition order, closing order, clearance order or order under paragraph 2 of Schedule 2 to the Land Compensation Act 1961.
- (2) Any question arising under this paragraph as to the purposes for which any part of a house was occupied shall be determined by the Minister, and subject thereto the amount of any payment under paragraph 1 of this Schedule in respect of an interest shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest under Part III of the Act of 1957, and the payment shall, subject to sub-paragraph (3) of this paragraph, be dealt with as if it were such compensation.
- (3) Any such payment in respect of an interest which, at the date when the house was purchased compulsorily or, as the case may be, vacated, was held by virtue of an agreement to purchase by instalments shall be made to the person entitled to the interest at that date.

Provisions as to mortgages and other charges

- 4 Paragraph 5 of Schedule 2 to the Act of 1957 (relief and adjustments) shall apply in relation to a payment under this Schedule as it applies in relation to a payment under paragraph 4 of that Schedule.

Interpretation

- 5 (1) In this Schedule, in relation to any house purchased or vacated, " the relevant date " and " the authority concerned " mean respectively—
- (a) if the house was vacated in pursuance of a demolition order or closing order, the date when and the authority by whom the order was made ;
 - (b) if the house was declared unfit for human habitation by an order under paragraph 2 of Schedule 2 to the Land Compensation Act 1961, the date when the order was made and the acquiring authority within the meaning of that Act;
 - (c) if the house was purchased compulsorily under section 12 of the Act of 1957, the date when and the authority by whom the notice mentioned in that section was served ;
 - (d) if the house was purchased compulsorily in pursuance of a notice served under section 19 of the Act of 1957, the date when and the authority by whom the notice was served ;
 - (e) if the house was comprised in an area declared as a clearance area, the date when and the authority by whom the area was so declared;
- and " the qualifying period " means the period of two years ending with the relevant date, except that where that date is earlier than 22nd April 1970, it means the period beginning with 23rd April 1968 and ending with the relevant date.

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(2) In this Schedule—

" full compulsory purchase value ", in relation to any interest in a house, means the compensation which would be payable in respect of the compulsory purchase of that interest if that compensation fell to be assessed in accordance with subsections (1) and (4) of section 59 of the Act of 1957 and, in the case of a house subject to a clearance order, demolition order or closing order, the making of that order were a service of the notice to treat;

" house " includes any building constructed or adapted wholly or partly as, or for the purposes of, a dwelling;

" interest " in a house does not include the interest of a tenant for a year or any less period or of a statutory tenant within the meaning of the Rent Act 1968;

" site value", in relation to the compulsory purchase of a house, means compensation in respect thereof assessed in accordance with the provisions of section 59(2) of the Act of 1957 (or under the corresponding provisions applicable to any compulsory purchase under Part II of that Act).

- (3) For the purposes of this Schedule, a house which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority having power to make the order shall be deemed to have been vacated in pursuance of a demolition order made and served by that authority at the date when the undertaking was given.
- (4) In this Schedule references to a demolition order do not include such an order in respect of a house already subject to a closing order so far as it affects any part of the house in relation to which a payment under section 30 of the Act of 1957, Schedule 2 to that Act or this Schedule has fallen to be made in respect of the closing order.
- (5) For the purposes of this Schedule a person who on the death of another became entitled to any interest of his shall be deemed to have been entitled to that interest as from the date of the death.