
WELSH STATUTORY INSTRUMENTS

2005 No. 1808 (W.139)

ACQUISITION OF LAND, WALES

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2005

Made - - - - - *5 July 2005*

Coming into force - - - - - *1 September 2005*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 30(5) of the Land Compensation Act 1973(1) (“the Act”) and now exercisable by the National Assembly for Wales in relation to Wales(2), makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2005 and they come into force on 1 September 2005.

(2) These Regulations apply in relation to Wales.

Revised amounts of home loss payment

2. When the date of displacement is on or after the day on which these Regulations come into force —

- (a) the prescribed maximum amount of home loss payment for the purposes of section 30(1) of the Act is £38,000;
- (b) the prescribed minimum amount of home loss payment for the purposes of section 30(1) of the Act is £3,800; and
- (c) the prescribed amount of home loss payment for the purposes of section 30(2) of the Act is £3,800.

(1) 1973 c. 26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 c. 34 with effect from 25 September, 1991 (see S.I. 1991/2067, article 3).

(2) The powers of the Secretary of State under section 30 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), article 2 and Schedule 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation and savings

3.—(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2004⁽³⁾ are revoked.

(2) The Regulations mentioned in paragraph (1) will continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁴⁾

5 July 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

⁽³⁾ S.I. 2004/1758 (W.189).
⁽⁴⁾ 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 (“the Act”) to those with an owner’s interest in a dwelling. They also increase the amount of home loss payment payable in any other case.

A person who is displaced from a dwelling by compulsory purchase or in other circumstances specified in section 29 of the Act is entitled to a home loss payment. The present basis for assessing the amount of home loss payment was established by amendments to the Act in the Planning and Compulsory Purchase Act 1991.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner’s interest, the amount of home loss payment is calculated as a percentage of the market value of that interest, subject to a maximum and minimum amount.

Section 30(2) prescribes the amount of the home loss payment in any other case.

Regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £34,000 to £38,000 and regulation 2(b) increases the minimum amount from £3,400 to £3,800. Regulation 2(c) increases the home loss payment payable, under section 30(2) of the Act, in any other case from £3,400 to £3,800.

Only the maximum and minimum amounts of home loss payments are changed and there is no change to the percentage payable of the market value of the displaced person’s interest in the dwelling.

The revised amounts apply where the displacement occurs on or after 1 September 2005.

These Regulations provide that the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2004 will continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force but are otherwise revoked.