
STATUTORY INSTRUMENTS

1973 No. 1896

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

PART IV

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Disturbance payments

Amount of disturbance payment

38.—(1) The amount of a disturbance payment shall be an amount equal to—

- (a) the reasonable expenses of the person entitled to the payment in removing from the land from which he is displaced; and
- (b) if he was carrying on a trade or business on that land, the loss he will sustain by reason of the disturbance of that trade or business consequent upon his having to quit the land;

subject, where that person is not entitled to or does not receive a home loss payment or any payment corresponding to a home loss payment, to a minimum of 85.

(2) Subject to Article 47(7), in estimating the loss of any person for the purposes of paragraph (1) (*b*), regard shall be had to the period for which land occupied by him may reasonably have been expected to be available for the purposes of his trade or business and to the availability of other land suitable for that purpose.

(3) Where the displacement is from a dwelling in respect of which structural modifications have been made for meeting the special needs of a person in need (whether or not the person entitled to the disturbance payment) then, if—

- (a) the Ministry of Health and Social Services has under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 provided assistance, or
- (b) that Ministry would, if an application had been made, have provided assistance,

for making those modifications, the amount of the disturbance payment shall include an amount equal to any reasonable expenses incurred by the person entitled to the payment in making, in respect of a dwelling to which the person in need removes, comparable modifications which are reasonably required for meeting the special needs of the person in need.

(4) Any dispute as to the amount of a disturbance payment shall be referred to and determined by the Lands Tribunal.

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 38.