
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 ;
- (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 [, 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).

Annotations:

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

Duty to rehouse certain caravan dwellers

41.—(1) Article 40 shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that site as it has effect in relation to a person displaced from residential accommodation on any land but shall so have effect subject to the following modifications.

(2) Article 40(1) shall have effect—

- (a) as if for the words preceding sub-paragraph (a) there were substituted the words “Where a person residing in a caravan on a caravan site is displaced from that site in consequence of”; and
- (b) as if for the words following sub-paragraph (c) there were substituted the words “and neither suitable residential accommodation nor a suitable alternative site for stationing a caravan is available to that person on reasonable terms, 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 suitable residential accommodation”.

(3) Article 40(4) shall have effect as if in the words preceding sub-paragraph (a) for the words “unless he was residing in the accommodation in question” there were substituted the words “unless he was residing in a caravan on the caravan site in question”.

(4) Article 40 shall have effect as if in any provision not modified as aforesaid for any reference to land there were substituted a reference to a caravan site.

(5) In this Article “caravan site” has the meaning assigned to it by Article 33(7).

Power of Housing Executive to make advances repayable on maturity to displaced residential owner-occupiers

42.—(1) Where a person displaced from a dwelling in consequence of any of the matters mentioned in paragraph (1)(a), (b) or (c) of Article 40—

- (a) is an owner-occupier of the dwelling; and
- (b) wishes to acquire or construct another dwelling in substitution for that from which he is displaced,

the Housing Executive for the purposes of that Article may advance money to him for the purpose of enabling him to acquire or construct the other dwelling.

(2) The power conferred by this Article shall be exercisable subject to such conditions as may be approved by the Ministry of Development^{F5} and the following provisions shall apply with respect to any advance made in the exercise of that power.

(3) The advance shall be made—

- (a) on terms providing for the repayment of the principal—
 - (i) at the end of a fixed period, with or without a provision allowing the Housing Executive to extend that period; or
 - (ii) upon notice given by the Housing Executive;subject, in either case, to a provision for earlier repayment on the happening of a specified event;
- (b) on such other terms as the Housing Executive may think fit having regard to all the circumstances.

(4) An advance for the construction of a dwelling may be made by instalments from time to time as the works of construction progress.

(5) The principal of the advance, together with interest thereon, shall be secured by a mortgage of the borrower's interest in the dwelling, and the amount of the principal shall not exceed the value which, in accordance with a valuation duly made on behalf of the Housing Executive, it is estimated that the borrower's interest will bear or, as the case may be, will bear when the dwelling has been constructed.

(6) Before advancing money under this Article the Housing Executive shall satisfy itself that the dwelling to be acquired is or will be made, or that the dwelling to be constructed will on completion be, in all respects fit for human habitation.

(7) The power conferred by this Article on the Housing Executive is without prejudice to any power to advance money exercisable by the Housing Executive under any other enactment.

(8) In this Article “owner-occupier”, in relation to any accommodation, means a person who occupies it on the date of displacement and either—

- (a) occupies it on that date in right of a freehold interest (whether legal or equitable) or a tenancy granted or extended for a term of years of which not less than three years remain unexpired; or
- (b) if the displacement is in consequence of the matters mentioned in sub-paragraph (c) of Article 40(1), occupied it in right of such an interest or tenancy on the date on which the land was acquired or appropriated as mentioned in that sub-paragraph.

(9) In this Article references to the construction of a dwelling include references to the acquisition of a building and its conversion into a dwelling and to the conversion into a dwelling of a building previously acquired.

Annotations:

F5 Now D/Env., SRO (NI) 1973/504; [1976 NI 6](#)

Modifications etc. (not altering text)

C1 Art. 42(2): transfer of functions (8.5.2016) from Department of the Environment to Department for Communities by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

Duty of displacing authority to indemnify Housing Executive for net losses

43.—(1) Where the Housing Executive provides or secures the provision of accommodation for any person in pursuance of paragraph (1)(*a*) or (*c*) of Article 40, then, the displacing authority shall make to the Housing Executive periodical payments or, if the Housing Executive so requires, a lump sum payment, by way of indemnity against any net loss incurred by the Housing Executive in respect of the provision of that accommodation.

(2) The Ministry of Development^{F6} may—

- (a) for the purposes of paragraph (1) determine a method to be used generally in calculating net losses incurred by the Housing Executive;
- (b) for the purposes of that paragraph, determine the net loss incurred by the Housing Executive in any particular case;
- (c) give directions as to the manner in which any payment under this Article is to be made.

Annotations:

F6 Now D/Env., SRO (NI) 1973/504; [1976 NI 6](#)

Modifications etc. (not altering text)

C2 Art. 43(2): transfer of functions (8.5.2016) from Department of the Environment to Department for Communities by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

Power of relevant authority to defray expenses in connection with acquisition of new dwellings

44.—(1) Where a person displaced from a dwelling in consequence of [^{F7} any of the events specified in sub-paragraphs (*a*) to (*c*) of Article 40(1)]—

- (a) has no interest in the dwelling or no greater interest therein than as a tenant for a year or from year to year; and
- (b) wishes to acquire another dwelling in substitution for that from which he is displaced,

[then, according to the nature of the event in consequence of which he was displaced, the acquiring authority, the authority who made the order, or accepted the undertaking or the authority carrying out the improvement or redevelopment] may, if he is not entitled to compensation for disturbance under any statutory provision or rule of law, pay any reasonable expenses incurred by him in connection with the acquisition, other than the purchase price.

(2) No payment shall be made under this Article in respect of expenses incurred by any person in connection with the acquisition of a dwelling unless the dwelling is acquired not later than one year after the displacement and is reasonably comparable with that from which he is displaced.

(3) For the purposes of paragraph (2) a dwelling acquired pursuant to a contract shall be treated as acquired when the contract is made.

(4) [Paragraphs (4) and (4A)] of Article 40 shall have effect in relation to paragraph (1) of this Article and to [any provision of paragraph (1)] of Article 40 as applied thereby.

Annotations:

F7 [1981 NI 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Cross Heading: Rehousing.