
STATUTORY INSTRUMENTS

1992 No. 1307

The Home Loss Payments (Northern Ireland) Order 1992

Amount of home loss payment

5. For Article 31 of the principal Order there shall be substituted the following Article—

“Amount of home loss payment

31.—(1) In the case of a person who on the date of displacement is occupying, or is treated for the purposes of Article 30 as occupying, the dwelling by virtue of an interest in it which is an owner’s interest, the amount of the home loss payment shall be 10 per cent. of the market value of his interest in the dwelling or, as the case may be, the interest in the dwelling vested in trustees, subject to a maximum of £15,000 and a minimum of £1,500.

(2) In any other case, the amount of the home loss payment shall be £1,500.

(3) For the purposes of this Article and Article 32 the market value of an interest in a dwelling—

(a) in a case where the interest is compulsorily acquired, is the amount assessed for the purposes of the acquisition as the value of the interest; and

(b) in any other case, is the amount which, if the interest were being compulsorily acquired under a vesting order becoming operative on the date of displacement, would be assessed for the purposes of the acquisition as the value of the interest,

and any dispute as to the amount referred to in sub-paragraph (b) shall be determined by the Lands Tribunal.

(4) In determining for the purposes of this Article and Article 32 the market value of an interest in a dwelling, the dwelling shall be taken to include any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that dwelling.

(5) The Department of the Environment may from time to time by regulations prescribe a different maximum or minimum for the purposes of paragraph (1) and a different amount for the purposes of paragraph (2).

(6) Regulations under paragraph (5) shall be subject to negative resolution.

(7) In this Article “owner’s interest”, in relation to any land, means 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.”.