

*Changes to legislation:* There are currently no known outstanding effects for the Housing Act 1974, Cross Heading: The Land Compensation Act 1973. (See end of Document for details)

## SCHEDULES

### SCHEDULE 13

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The <sup>M1</sup>Land Compensation Act 1973*

##### Marginal Citations

**M1** 1973 c. 26.

- 38 (1) In the Land Compensation Act 1973 (in this Schedule referred to as “the 1973 Act”), in section 29 (right to home loss payment where person displaced from dwelling) subsection (1) shall be amended as follows :—

<sup>F1</sup>(a) . . . . .

[<sup>F2X1</sup>(b) in paragraph (c) after the words “the carrying out of there shall be inserted the words “any improvement to the dwelling or of<sup>F3</sup>. . .]

[<sup>F2X1</sup>(c) for the words from “the acquiring authority to the end of the subsection there shall be substituted the following paragraphs :—

“(i) where paragraph (b) above applies, the acquiring authority ;

(ii) where paragraph (b) above applies, the authority who made the order, passed the resolution, accepted the undertaking or served the notice ;

(iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment ; and

(iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.”]

[<sup>F2X1</sup>(2) After subsection (3) of that section there shall be inserted the following subsection:—

“(3A) For the purposes of this section a person shall not be treated as displaced from a dwelling on consequence of the acceptance of an undertaking, of the service of such an improvement notice as is mentioned in subsection (1)(b) above or of the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of the works specified in the undertaking or notice or, as the case may be, of the improvement in question.”]

[<sup>F2X1</sup>(3) In subsection (7) of that section <sup>F4</sup>. . . the words “and “redevelopment includes a change of use shall be omitted and at the end of that subsection there shall be inserted the following subsection:—

“(7A) In this section—

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“improvement includes alteration and enlargement ; and “redevelopment includes a change of use.”]

#### Editorial Information

- X1** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F1** Sch. 13 paras. 38(1)(a), 39(1)(a) repealed by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), **Sch. 12 Pt. II** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**
- F2** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**
- F3** Words repealed (E.W.) by Housing Rents and Subsidies Act 1975 (c. 6), **Sch. 6 Pt. IV**
- F4** Sch. 13 para. 39(1)(c) repealed (E.W.) by Housing Rents and Subsidies Act 1975 (c. 6), **Sch. 6 Pt. IV** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

- 39 (1) In section 37 of the 1973 Act (disturbance payments for persons without compensatable interests) subsection (1) shall be amended—

<sup>F5</sup>(a) .....

[<sup>F6X2</sup>(b) by inserting, in paragraph (c), after the words “the carrying out of the words “any improvement to a house or building on the land or of ;]

<sup>F7</sup>(c) .....

[<sup>F6X2</sup>(d) by making the like amendments as are specified, in relation to section 29(1) of that Act, in paragraph 38(1)(c) above.]

[<sup>F6X2</sup>(2) Subsection (3) of that section shall be amended as follows :—

- (a) for the words “or redevelopment as is mentioned in paragraph (a) or (c) there shall be substituted the words “improvement or redevelopment as is mentioned in paragraph (a), (c) or (d);
- (b) for the words “or undertaking there shall be substituted the words “undertaking or improvement notice;
- (c) for the words “or the undertaking was accepted there shall be substituted the words “the undertaking was accepted or the notice was served.]

[<sup>F6X2</sup>(3) After subsection (3) of that section there shall be inserted the following subsection:—

“(3A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the acceptance of an undertaking, of the service of such an improvement notice as is mentioned in paragraph (b) of that subsection or of the carrying out of any improvement to a house or building unless he is permanently displaced in the carrying out of the works specified in the undertaking or notice, as the case may be, of the improvement in question.”]

[<sup>F6X2</sup>(4) In subsection (9) of that section after the word “undertaking there shall be substituted the word ““improvement.]

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#### Editorial Information

- X2** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F5** Sch. 13 paras. 38(1)(a), 39(1)(a) repealed by [Local Government and Housing Act 1989](#) (c.42, SIF 81:1), s. 194(4), **Sch. 12 Pt. II** and (S.) by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**
- F6** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**
- F7** Sch. 13 para. 39(1)(c) repealed (E.W.) by [Housing Rents and Subsidies Act 1975](#) (c. 6), **Sch. 6 Pt. IV** and (S.) by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

40[F8X3(1) In section 39 of the Act of 1973 (duty to rehouse residential occupiers) in paragraph (c) of subsection (1) after the words “the carrying out of there shall be inserted the words “any improvement to a house or building on the land of or . . . F9.]

[F8X3(2) In subsection (3) of that section after the word “demolition there shall be added the words “or improvement.]

[F8X3(3) In subsection (6) of that section after the words “such acquisition there shall be inserted the word “improvement, after the words “paragraph (b) of that subsection there shall be inserted the words “or of such an improvement notice as is mentioned in paragraph (d) of that subsection and for the words “or the undertaking was accepted there shall be substituted the words “the undertaking was accepted or the notice was served.]

[F8X3(4) After subsection (6) of that section there shall be inserted the following subsection:—

“(6A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the acceptance of an undertaking, of the carrying out of any improvement to a house or building or of the service of such an improvement notice as is mentioned in paragraph (d) of that subsection unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of the works specified in the undertaking, the carrying out of the improvement or, as the case may be, the carrying out of the works specified in the notice.”]

[F8X3(5) In subsection (7) of that section for the words “subsection (8) there shall be substituted the words “subsections (8) and (8A).]

F10(6) . . . . .

[F8X3(7) In subsection (9) of that section after the word “undertaking there shall be inserted the word “improvement.]

#### Editorial Information

- X3** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### Textual Amendments

- F8** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**
- F9** Words repealed (E.W.) by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(4), **Sch. 12 Pt. II**
- F10** Sch. 13 paras. 24, 30–32, 35, 36, 40(6), Sch. 15 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

[<sup>F11X4</sup>4(1) In section 43 of the 1973 Act (power to defray expenses in connection with acquisition of new dwellings) in subsection (1),—

- (a) for the words “any such acquisition as is mentioned in section 39(1)(a) above, there shall be substituted the words “any of the events specified in paragraph (a) to (d) of section 39(1) above; and
- (b) for the words “the acquiring authority there shall be substituted the words “then, according to the nature of the event in consequence of which he was displaced, the acquiring authority who made the order, passed the resolution, accepted the undertaking or served the notice or the authority carrying out the improvement or redevelopment.

(2) In subsection (4) of that section for the words “and (6) there shall be substituted the words “(6) and (6A) and for the words “subsection (1)(a) there shall be substituted the words “any provision of subsection (1).]

#### Editorial Information

- X4** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F11** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

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