

*Changes to legislation: There are currently no known outstanding effects
for the Housing Act 1974, Paragraph 38. (See end of Document for details)*

SCHEDULES

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The ^{M1}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 :—

^{F1}(a)

[^{F2X1}(b) in paragraph (c) after the words “the carrying out of there shall be inserted the words “any improvement to the dwelling or of^{F3}. . .]]

[^{F2X1}(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.”]

[^{F2X1}(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.”]

[^{F2X1}(3) In subsection (7) of that section ^{F4}. . . 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13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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**

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