



2016 CHAPTER 28

Occupier's loss payment

2. After Article 33A of the 1973 Order (inserted by section 1) insert—

“33B Occupier's loss payment: agricultural land

(1) This Article applies to a person if—

- (a) he has a qualifying interest in land for the purposes of Article 33A,
- (b) the land is agricultural land,
- (c) the interest is acquired compulsorily, and
- (d) he occupied the land for the period specified in Article 33A(4).

(2) A person to whom this Article applies is entitled to a payment of whichever is the greatest of the following amounts—

- (a) 2.5% of the value of his interest;
- (b) the land amount;
- (c) the buildings amount.

(3) But the maximum amount which may be paid to a person under this Article in respect of an interest in land is £25,000.

(4) A payment under this Article must be made by the acquiring authority.

(5) Subject to paragraphs (6) and (7), the value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition.

(6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the

value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(7) If rule (5) in Article 6(1) of the Land Compensation (Northern Ireland) Order 1982 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.

(8) The land amount is the greater of £300 and the amount found in accordance with the following Table—

| Area of the land | Amount per hectare |
|----------------------------|---|
| Not exceeding 100 hectares | £100 per hectare or part of a hectare |
| Exceeding 100 hectares | (a) £100 per hectare for the first 100 hectares; (b) £50 per hectare for the next 300 hectares or part of a hectare. |

(9) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.

(10) The gross floor space must be measured externally.

33C Occupier's loss payment: other land

(1) This Article applies to a person if—

- (a) he has a qualifying interest in land for the purposes of Article 33A,
- (b) the land is not agricultural land,
- (c) the interest is acquired compulsorily, and
- (d) he occupied the land for the period specified in Article 33A(4).

(2) A person to whom this Article applies is entitled to a payment of whichever is the greatest of the following amounts—

- (a) 2.5% of the value of his interest;
- (b) the land amount;
- (c) the buildings amount.

(3) But the maximum amount which may be paid to a person under this Article in respect of an interest in land is £25,000.

(4) A payment under this Article must be made by the acquiring authority.

(5) Subject to paragraphs (6) and (7), the value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition.

(6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(7) If rule (5) in Article 6(1) of the Land Compensation (Northern Ireland) Order 1982 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.

(8) The land amount is the greater of—

(a) £2,500;

(b) £2.50 per square metre (or part of a square metre) of the area of the land.

(9) But if only part of land in which a person has an interest is acquired, for the figure specified in paragraph (8)(a) there is substituted £300.

(10) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.

(11) The gross floor space must be measured externally.”.