
STATUTORY INSTRUMENTS

1973 No. 1896

**Land Acquisition and Compensation
(Northern Ireland) Order 1973**

PART II

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

Mortgages, trusts for sale and settlements

13.—(1) Where an interest is subject to a mortgage—

- (a) a claim may be made by any mortgagee of the interest as if he were the person entitled to that interest but without prejudice to the making of a claim by that person;
- (b) no compensation shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage);
- (c) any compensation which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and shall in either case be applied by him as if it were proceeds of sale.

(2) Where the interest is held on trust for sale the compensation shall be dealt with as if it were proceeds of sale arising under the trust.

(3) Where the interest is settled land for the purposes of the Settled Land Acts 1882 to 1890 the compensation shall be treated as capital money arising under those Acts.

(4) Where an interest in land is vested in trustees (other than a sole tenant for life within the meaning of the Settled Land Acts 1882 to 1890) and a person beneficially entitled (whether directly or derivatively) under the trusts is entitled or permitted by reason of his interest to occupy the land, Article 5 shall have effect as if occupation by that person were occupation by the trustees in right of the interest vested in them.

Modifications etc. (not altering text)

- C1** [Art. 13\(1\)-\(3\)](#) applied by 2003 c. 21, Sch. 3A para. 84(6) (as inserted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 1](#) (with [Sch. 2](#)); [S.I. 2017/1286](#), [reg. 2\(b\)](#))

Changes to legislation:

Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 13 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 13(1)-(3) applied (by S.I. 1996/725 (N.I.), art. 18B 18C (as inserted)) by [2022 c. 46 s. 64\(2\)](#)