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STATUTORY INSTRUMENTS

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**1973 No. 1896**

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

**PART IV**

**PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND**

*Rehousing*

**Power of Housing Executive to make advances repayable on maturity to displaced residential owner-occupiers**

**42.**—(1) Where a person displaced from a dwelling in consequence of any of the matters mentioned in paragraph (1)( *a*), ( *b*) or ( *c*) of Article 40—

- (a) is an owner-occupier of the dwelling; and
- (b) wishes to acquire or construct another dwelling in substitution for that from which he is displaced,

the Housing Executive for the purposes of that Article may advance money to him for the purpose of enabling him to acquire or construct the other dwelling.

(2) The power conferred by this Article shall be exercisable subject to such conditions as may be approved by the Ministry of Development<sup>F1</sup> and the following provisions shall apply with respect to any advance made in the exercise of that power.

(3) The advance shall be made—

- (a) on terms providing for the repayment of the principal—
  - (i) at the end of a fixed period, with or without a provision allowing the Housing Executive to extend that period; or
  - (ii) upon notice given by the Housing Executive;subject, in either case, to a provision for earlier repayment on the happening of a specified event;
- (b) on such other terms as the Housing Executive may think fit having regard to all the circumstances.

(4) An advance for the construction of a dwelling may be made by instalments from time to time as the works of construction progress.

(5) The principal of the advance, together with interest thereon, shall be secured by a mortgage of the borrower's interest in the dwelling, and the amount of the principal shall not exceed the value which, in accordance with a valuation duly made on behalf of the Housing Executive, it is estimated that the borrower's interest will bear or, as the case may be, will bear when the dwelling has been constructed.

(6) Before advancing money under this Article the Housing Executive shall satisfy itself that the dwelling to be acquired is or will be made, or that the dwelling to be constructed will on completion be, in all respects fit for human habitation.

(7) The power conferred by this Article on the Housing Executive is without prejudice to any power to advance money exercisable by the Housing Executive under any other enactment.

(8) In this Article “owner-occupier”, in relation to any accommodation, means a person who occupies it on the date of displacement and either—

- (a) occupies it on that date in right of 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; or
- (b) if the displacement is in consequence of the matters mentioned in sub-paragraph (c) of Article 40(1), occupied it in right of such an interest or tenancy on the date on which the land was acquired or appropriated as mentioned in that sub-paragraph.

(9) In this Article references to the construction of a dwelling include references to the acquisition of a building and its conversion into a dwelling and to the conversion into a dwelling of a building previously acquired.

**F1** Now D/Env., SRO (NI) 1973/504; [1976 NI 6](#)

**Modifications etc. (not altering text)**

**C1** Art. 42(2): transfer of functions (8.5.2016) from Department of the Environment to Department for Communities by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 42.