Changes to legislation: *Housing (Northern Ireland) Order 1981, Section 92 is up to date with all changes known to be in force on or before 12 September 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. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1981 No. 156

Housing (Northern Ireland) Order 1981

PART V

LAND ACQUISITION AND COMPENSATION

CHAPTER II

LAND COMPENSATION MATTERS

Repayment on revocation of clearance order, demolition order or closing order

92.—(1) Where a payment in respect of any premises has been made by the Executive under Article 91(1) in connection with a clearance order, demolition order or closing order and—

(a) an exclusion order is made in respect of those premises under Article 34,

(b) the demolition order is determined under Article 37, or

(c) the closing order is determined under Article 39,

then, if at that time the person to whom the payment was made has the same estate in the premises as he had at the time the payment was made, he shall on demand repay to the Executive the amount of the payment.

(2) In any case where—

(a) a payment in respect of any premises has been made by the Executive under Article 91(1) in connection with a closing order, and

(b) by virtue of Article 39, the order is determined as respects part of the premises, and

(c) the person to whom the payment was made (in this Article referred to as “the recipient”) had, at the time the payment was made, an owner's estate in the part of the premises concerned (whether or not he had such an estate in the rest of the premises),

then, if at the time of the determination of the closing order the recipient has the same estate in the premises as he had at the time the payment was made, he shall on demand pay to the Executive an amount determined in accordance with paragraphs (3), (4) and (5).

(3) The amount referred to in paragraph (2) is whichever is the less of—

(a) the amount by which the value of the estate of the recipient in the premises increases as a result of the determination of the closing order; and

(b) the amount paid to the recipient under Article 91(1) in respect of his estate in the premises;

and the amount referred to in sub-paragraph (a) shall be determined as at the date of the determination of the closing order.

(4) For the purposes of assessing the amount referred to in paragraph (3)(a) the rules set out in Article 6(1) of the Land Compensation (Northern Ireland) Order 1982 shall, so far as applicable and subject to the necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an estate in land.

(5) Any dispute as to the amount of compensation referred to in paragraph (3)(a) shall be referred to and determined by the Lands Tribunal.

Changes to legislation:
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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art.155 revoked by 1997 c. 32 s.46(2)Sch.9
- art.155 revoked by 1997 c. 32 s.46(2)Sch.9