
STATUTORY INSTRUMENTS

1981 No. 156

Housing (Northern Ireland) Order 1981

PART V

LAND ACQUISITION AND COMPENSATION

CHAPTER II

LAND COMPENSATION MATTERS

Interpretation

89.—(1) For the purposes of this Chapter, a house which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition accepted by the Executive, shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was accepted.

(2) For the purposes of this Chapter^{F1} . . .

“compulsory purchase value”, in relation to any estate in a house, means the compensation payable in respect of the compulsory purchase of that estate if that compensation fell to be assessed solely by reference to the rules set out in^{F2} Article 6(1) of the Land Compensation (Northern Ireland) Order 1982] and, in the case of a house subject to a clearance order, demolition order or closing order, if that order were a vesting order and that compensation fell to be so assessed;

“demolition order” means an order under Article 35, but does not include such an order made in respect of a house already subject to a closing order, so far as it affects any part of the house in relation to which a payment under this Chapter^{F1} . . . has fallen to be made in respect of the closing order;

“estate”, in a house, does not include the estate of a tenant for a year or any period less than a year, or of a tenant whose sole right to possession is under the Rent (Northern Ireland) Order 1978 ;

Definition rep. by 1992 NI 15

F1 1992 NI 15

F2 1982 NI 9

^{F3}Land acquired compulsorily in re-development areas and housing action areas

90.—(1) Where the Department makes or has made a vesting order to which this paragraph applies, compensation shall be assessed in accordance with the provisions of the Land Compensation (Northern Ireland) Order 1982.

Status: Point in time view as at 01/01/2006.

Changes to legislation: Housing (Northern Ireland) Order 1981, CHAPTER II is up to date with all changes known to be in force on or before 20 July 2023. 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)

(2) Paragraph (1) applies to any vesting order made on or after 1st April 1990 to vest in the Executive land comprising a house, for the purpose of any of the functions of the Executive under Chapter III or IV of Part III.]

F3 1992 NI 15

Compensation payable in case of clearance orders, demolition orders and closing orders

91.—(1) Subject to paragraph (4), where, after the coming into operation of Part V of the Housing (Northern Ireland) Order 1992, a clearance order, demolition order or closing order is made in respect of any premises, the Executive shall pay to every owner of the premises an amount determined in accordance with paragraph (2).

(2) The amount referred to in paragraph (1) is the diminution in the compulsory purchase value of the owner's estate in the premises as a result of the making of the clearance order, demolition order or closing order, as the case may be; and that amount—

- (a) shall be determined as at the date of the making of the order in question; and
- (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the acquisition compulsorily of the estate in question and shall be dealt with accordingly.

(3) Subject to paragraph (4), where, on or after 1st April 1990 and before the coming into operation of Part V of the Housing (Northern Ireland) Order 1992, a clearance order, demolition order or closing order has been made in respect of any premises, the Executive shall pay to every owner of the premises—

- (a) an amount determined in accordance with paragraph (2); or
- (b) an amount determined in accordance with Chapter II of Part V, as that Chapter had effect before the coming into operation of Part V of the Housing (Northern Ireland) Order 1992,

whichever amount is the greater.

(4) In any case where—

- (a) a closing order has been made in respect of any premises, and
- (b) by virtue of Article 38(7) (substitution of demolition order for closing order) the closing order is revoked and a demolition order is made in its place,

the amount payable to the owner under paragraph (1) or (3) in connection with the demolition order shall be reduced by the amount (if any) paid, in connection with the closing order, to the owner or a previous owner under that paragraph or, as the case may be, under Chapter II of Part V as that Chapter had effect before the coming into operation of Part V of the Housing (Northern Ireland) Order 1992.

(5) For the purposes of this Article “premises” means the house, building or part of a building in respect of which the clearance order, demolition order or closing order is made.

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.

Arts. 93#97 rep. with saving by 1992 NI 15

Allowances to retail shopkeepers

98. Where, as a result of action taken by the Executive in relation to clearance areas or re-development areas, the population of the locality concerned is materially decreased, the Executive may pay to any person carrying on a retail shop in that locality such reasonable allowance as it considers fit towards any loss involving personal hardship which in its opinion he will thereby sustain, but, in estimating any such loss, it shall have regard to the probable future development of that locality.

Arts. 99, 100 rep. with saving by 1992 NI 15

Interest

101.—(1) Where—

- (a) a house is acquired in pursuance of a vesting order or is vacated in pursuance of a clearance order, demolition order or closing order; and
- (b) any person is, in respect of an estate in that house, entitled to a payment under this Chapter;

the Executive shall pay interest at the prescribed rate to that person in accordance with paragraph (2).

(2) Interest under paragraph (1) shall be paid—

- (a) where the house is acquired in pursuance of a vesting order, from the date on which the order comes into operation;
- (b) where the house is vacated in pursuance of any other order, from the later of the following dates—
 - (i) the date on which the order comes into operation;

Status: Point in time view as at 01/01/2006.

Changes to legislation: Housing (Northern Ireland) Order 1981, CHAPTER II is up to date with all changes known to be in force on or before 20 July 2023. 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)

(ii) the date on which the house is vacated.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

Housing (Northern Ireland) Order 1981, CHAPTER II is up to date with all changes known to be in force on or before 20 July 2023. 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.