
STATUTORY INSTRUMENTS

1996 No. 725

The Business Tenancies (Northern Ireland) Order 1996

Supplemental

Application of capital money under the Settled Land Acts

38.—(1) Capital money arising under the Settled Land Acts 1882 and 1890 may be applied—

- (a) in payment, as for an improvement authorised by the said Acts, of any money expended and costs incurred under and in pursuance of this Order in or about the execution of an improvement;
- (b) in payment of any sum payable to a tenant in respect of compensation under Article 23 and any costs payable to such tenant in relation to his claim for such compensation;
- (c) in payment of the costs incurred in or in relation to making or opposing an application to the Lands Tribunal under this Order.

(2) The satisfaction of a claim for compensation under Article 23 shall be included amongst the purposes for which a tenant for life may raise money under section 18 of the Settled Land Act 1882.

(3) Where a landlord liable to pay compensation under Article 23, or to pay such costs as are mentioned in paragraph (1)(c), is a tenant for life or in a fiduciary position, he may require the sum payable in respect of such compensation and all such costs to be paid out of any capital money held on the same trusts as the settled land.

(4) In paragraph (3) the expression “capital money” includes any personal estate held on the same trusts as the land, and the expression “settled land” includes land held on trust for sale.

Changes to legislation:

The Business Tenancies (Northern Ireland) Order 1996, Section 38 is up to date with all changes known to be in force on or before 21 December 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.

[View outstanding changes](#)

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. 18(6) inserted by [2022 c. 46 s. 62\(2\)](#)
- art. 18A inserted by [2022 c. 46 s. 62\(3\)](#)
- art. 18B18C inserted by [2022 c. 46 s. 64\(2\)](#)