Land Compensation Act 1973

1973 CHAPTER 26

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Home loss payments

29 Right to home loss payment where person displaced from dwelling.

(1) Where a person is displaced from a dwelling on any land in consequence of—

(a) the compulsory acquisition of an interest in the dwelling;

[[F1](b) the making of a housing order in respect of the dwelling;**]**

(c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of **[**[F2]any improvement to the dwelling or of**]** redevelopment on the land,

[[F3](d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is **[**[F4]either a private registered provider of social housing or**][**[F5]a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act)**]]**;

[[F6](e) the making of an order for possession on ground 10 or 10A in Part II of Schedule 2 to the Housing Act 1985;**]**

[[F7](f) the making of an order for possession of a dwelling subject to a tenancy which is a secure contract on ground A or ground B of the Estate Management Grounds in Part 1 of Schedule 8 to the Renting Homes (Wales) Act 2016 (anaw 1),**]**

he shall, subject to the provisions of this section and section 32 below, be entitled to receive a payment (hereafter referred to as a "home loss payment") from

[[F8](i) where paragraph (a) above applies, the acquiring authority;

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(ii) where paragraph (b) above applies, the authority who made [F9][the housing order;]

(iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment; [F10]...

(iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment][[F11]and]

[[F12](v) where paragraph (*e*) [[F13]or (f)][[F14]above] applies, the landlord.]

[[F15](2) A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—

(a) he has been in occupation of the dwelling, or a substantial part of it, as his only or main residence; and

(b) he has been in such occupation by virtue of an interest or right to which this section applies,

but, if those conditions are satisfied on the date of displacement, a payment (referred to in this section and sections 32 and 33 below as a " discretionary payment ") may be made to him of an amount not exceeding the amount to which he would have been entitled if he had satisfied those conditions throughout that period.]

(3) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if he gives up his occupation thereof before the date on which the acquiring authority were authorised to acquire that interest, but, subject to that, it shall not be necessary for the acquiring authority to have required him to give up his occupation of the dwelling.

[[F16](3A) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of [F17][the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of that improvement.]]

[[F18](3B) For the purposes of this section a person must not be treated as displaced from a dwelling in consequence only of the compulsory acquisition of part of a garden or yard or of an outhouse or appurtenance belonging to or usually enjoyed with the building which is occupied or is intended to be occupied as the dwelling.]

(4) This section applies to the following interests and rights—

(a) any interest in the dwelling;

[F19][(b) a right to occupy the dwelling—

(i) as a statutory tenant within the meaning of theRent (Agriculture) Act 1976 or the Rent Act 1977, or

(ii) under a contract to which section 19 of the Rent Act 1977 (restricted contracts) applies or would apply if the contract or dwelling were not excluded by section 19(3) to (5) or 144 of that Act]

[F20](c) . . . . . .

(d) a right to occupy the dwelling under a contract of employment.

[F21][(e) a right to occupy the dwelling under a licence where—

(i) it is a right to occupy as a protected occupier within the meaning of the Rent (Agriculture) Act 1976,

(ii) Part IV of the Housing Act 1985 (secure tenancies) applies to the licence, [F22]...

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(iii) the licence is an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988**][**[F23], **[**[F24]or**]**

(iv) Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies) applies to the licence,

[the licence is a secure contract, or

[F25](v)

(vi) the licence is an introductory standard contract.**]]**

[F26](5) . . . . . .

(6) Where an authority possessing compulsory purchase powers acquire the interest of any person in a dwelling by agreement, then, in relation to any other person who is displaced from the dwelling in consequence of the acquisition, subsections (1) to (4) above shall have effect as if the acquisition were compulsory and the authority (if not authorised to acquire the interest compulsorily) had been so authorised on the date of the agreement.

[[F27](7) In this section " a housing order " means—

(a) a prohibition order under section 20 or 21 of the Housing Act 2004, or

(b) a demolition order under section 265 of the Housing Act 1985.**]**

[[F28](7A) In this section—

"improvement" includes alteration and enlargement; and

"redevelopment" includes a change of use. **]**

(8) Where an interest in a dwelling is vested in trustees (other than a sole tenant for life within the meaning of the [M1] Settled Land Act 1925) and a person beneficially entitled (whether directly or derivatively) under the trusts is entitled or permitted by reason of his interest to occupy the dwelling, he shall be treated for the purposes of this section as occupying it by virtue of an interest in the dwelling.

[F29] . . .

(9) This section applies if the date of displacement is on or after 17th October 1972.

Textual Amendments

F1 S. 29(1)(b) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 3(2)(a)**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)

F2 Words inserted by Housing Act 1974 (c. 44) , s. 130 , **Sch. 13 para. 38(1)(b)**

F3 S. 29(1)(*d*) substituted by Housing (Consequential Provisions) Act 1985 (c. 71) , s. 4 , **Sch. 2 para. 24(2)** (*b*)

F4 Words in s. 29(1)(d) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 4** (with art. 6, Sch. 3)

F5 Words in s. 29(1)(d) substituted (1.10.1996) by S. I 1996/2325, art. 5(1), Sch. 2 para. 3(2)

F6 S. 29(1)(e) inserted by Housing and Planning Act 1986 (c. 63, SIF 61) , **s. 9(3)** (a)

F7 S. 29(1)(f) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **7(2)(a)(i)**

F8 Paras. (i) to (iv) substituted for words by Housing Act 1974 (c. 44) , s. 130 , **Sch. 13 para. 38(1)(c)**

F9 Words in s. 29(1)(ii) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 3(2)(b)**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)

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F10 Word following s. 29(1)(iii) repealed (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067 , **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , ss. 70 , 84(6) , Sch. 15 para. 22(2)(b) , **Sch. 19 Pt. III** (with s. 84(5)); S.I. 1991/2067 , **art. 3**

F11 Word in s. 29(1) inserted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067 , **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , s. 70 , **Sch. 15 para. 22(2)(c)** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .

F12 S. 29(1)(v) inserted by Housing and Planning Act 1986 (c. 63, SIF 61) , **s. 9(3)** (*b*)

F13 Words in s. 29(1)(v) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **7(2)(a)(ii)**

F14 Word in s. 29(1)(v) inserted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067 , **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , s. 70 , **Sch. 15 para. 22(2)(d)** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .

F15 S. 29(2) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34) , **s. 68(1)(9)** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .

F16 S. 29(3A) inserted by Housing Act 1974 (c. 44) , s. 130 , **Sch. 13 para. 38(2)**

F17 Words in s. 29(3A) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 3(3)**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)

F18 S. 29(3B) inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5) , **Sch. 7 para. 7(2)** (with s. 111 , Sch. 7 para. 7(5)); S.I. 2004/2593 , art. 2(d)

F19 S. 29(4)(b) substituted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067 , **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , s. 70 , **Sch. 15 para. 22(4)(a)** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .

F20 S. 29(4)(c) repealed by Land Compensation (Scotland) Act 1973 (c. 56) , **Sch. 2 Pt. I**

F21 S. 29(4)(e) substituted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067 , **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , s. 70 , **Sch. 15 para. 22(4)(b)** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .

F22 Word in s. 29(4)(e) omitted (12.2.1997) by virtue of S.I. 1997/74 , art. 2 , **Sch. para. 1**

F23 S. 29(4)(e)(iv) and word immediately preceding it inserted (12.2.1997) by S.I. 1997/74 , art. 2 , **Sch. para. 1**

F24 Word in s. 29(4)(e) omitted (W.) (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **7(2)(b)(i)**

F25 S. 29(4)(e)(v)(vi) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **7(2)(b)(ii)**

F26 S. 29(5) repealed (25.09.1991) by Planning and Compensation Act 1991 (c. 34), ss. 68(2)(9) , 84(6) , **Sch. 19 Pt. III** (with s. 84(5)); S.I. 1991/2067 , **art. 3**

F27 S. 29(7) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 3(4)**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)

F28 S. 29(7A) inserted by Housing Act 1974 (c. 44) , s. 130 , **Sch. 13 para. 38(3)**

F29 Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

Modifications etc. (not altering text)

C1 References to Rent Act 1968, ss. 70(3)(a) and 71 of that Act, and to a Part VI contract to be construed respectively as references to Rent Act 1977 (c. 42) , **ss. 19** and 144 of that Act, and to a restricted contract: Rent Act 1977 (c. 42) , **Sch. 24 para. 1(8)** and Interpretation Act 1978 (c. 30) , **s. 17(2)(a)** .

Marginal Citations

M1 1925 c. 18 .

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[F31 29A Spouses [F30 and civil partners] having statutory rights of occupation.

(1) This section applies where, by reason of the entitlement of **[**F32 one spouse or civil partner ("A")**]** to occupy a dwelling by virtue of an interest or right to which section 29 above applies, **[**F33 the other spouse or civil partner ("B") acquires home rights**]** **[**F34 (within the meaning of Part IV of the Family Law Act 1996)**]** .

(2) So long as—

(a) those **[**F35 home rights**]** continue,

(b) B is in occupation of the dwelling and A is not, and

(c) B is not, apart from this section, treated as occupying the dwelling by virtue of an interest or right to which that section applies,

B shall be treated for the purposes of that section as occupying the dwelling by virtue of such an interest (but not an owner's interest within the meaning of section 30 below).

(3) References in this section to a dwelling include a reference to a substantial part of it.**]**

Textual Amendments

F30 Words in s. 29A heading inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 9 para. 17(4)**; S.I. 2005/3175, art. 2(1), Sch. 1

F31 S. 29A inserted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067, **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 69** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F32 Words in s. 29A(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 9 para. 17(2)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1

F33 Words in s. 29A(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 9 para. 17(2)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1

F34 Words in s. 29A(2)(a) substituted (1.10.1997) by 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para. 48(2)** (with Sch. 9 paras. 8, 9, 10); S.I. 1997/1892, **art. 3(1)(b)**

F35 Words in s. 29A(2)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 9 para. 17(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

[F36 30 Amount of home loss payment in England and Wales.

(1) In the case of a person who on the date of displacement is occupying, or is treated for the purposes of section 29 above as occupying, the dwelling by virtue of an interest in it which is an owner's interest, the amount of the home loss payment shall be 10 per cent. of the market value of his interest in the dwelling or, as the case may be, the interest in the dwelling vested in trustees, subject to a maximum of £15,000 and a minimum of £1,500.

(2) In any other case, the amount of the home loss payment shall be £1,500.

(3) For the purposes of this section and section 32 below the market value of an interest in a dwelling—

(a) in a case where the interest is compulsorily acquired, is the amount assessed for the purposes of the acquisition as the value of the interest; and

(b) in any other case, is the amount which, if the interest were being compulsorily acquired in pursuance of a notice to treat served on the date of displacement, would be assessed for the purposes of the acquisition as the value of the interest,

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and any dispute as to the amount referred to in paragraph (b) above shall be determined by the **[**[F37]Upper Tribunal**]**.

(4) In determining for the purposes of this section and section 32 below the market value of an interest in a dwelling, the dwelling shall be taken to include any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that dwelling.

(5) The Secretary of State may from time to time by regulations prescribe a different maximum or minimum for the purposes of subsection (1) above and a different amount for the purposes of subsection (2) above.

(6) The power to make regulations under subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section " owner's interest " means the interest of a person who is an owner as defined in section 7 of the [M2] Acquisition of Land Act 1981. **]**

Textual Amendments

F36 S. 30 substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(3)(9)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F37 Words in s. 30(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 104** (with Sch. 5)

Marginal Citations

M2 1981 c. 67

31 . . . . . [F38]

Textual Amendments

F38 Ss. 28(5), 31 repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

32 Supplementary provisions about home loss payments.

[[F39](1) No home loss payment or discretionary payment shall be made except on a claim in writing made by the claimant giving such particulars as the authority responsible for making the payment may reasonably require for the purpose of determining whether the payment should be made and, if so, its amount.

(2) Where a person is entitled to a home loss payment, the payment shall be made on or before the latest of the following dates—

(a) the date of displacement;

(b) the last day of the period of three months beginning with the making of the claim; and

(c) where the amount of the payment is to be determined in accordance with section 30(1) above, the day on which the market value of the interest in question is agreed or finally determined.

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(2A) Where the amount of the payment is to be determined in accordance with section 30(1) above—

(a) the acquiring authority may at any time make a payment in advance; and

(b) if, on the later of the dates referred to in subsection (2)(a) and (b) above, the market value of the interest in question has not been agreed or finally determined, the acquiring authority shall make a payment in advance (where they have not already done so).

(2B) The amount of the payment in advance shall be the lesser of—

(a) the maximum amount for the purposes of section 30(1) above,

(b) 10 per cent. of the amount agreed to be the market value of the interest in question or, if there is no such agreement, 10 per cent. of the acquiring authority's estimate of that amount.

(2C) Where the amount of a payment in advance differs from the amount of the home loss payment, the shortfall or excess shall be paid by or, as the case may be, repaid to the acquiring authority when the market value of the interest in question is agreed or finally determined.

(3) Where the claimant has satisfied, throughout any period, the conditions mentioned in section 29(2) above, that period shall be treated for the purposes of that subsection as including any immediately preceding period throughout which—

(a) he has resided in the dwelling as his only or main residence but without satisfying those conditions, and

(b) another person or other persons have satisfied those conditions,

and references in this subsection and subsection (3A) below to a dwelling include a reference to a substantial part of it.

(3A) Where the claimant has satisfied, throughout any period, the conditions mentioned in section 29(2) above, that period (or that period as extended under subsection (3) above) shall be treated for the purposes of section 29(2) above as including any immediately preceding period, or successive periods, throughout which he satisfied the conditions mentioned in section 29(2) above in relation to another dwelling or, as the case may be, other dwellings (applying subsection (3) above to determine the length of any period or periods).**]**

(4) **[**[F40]Where a person ("the deceased") entitled to a home loss payment dies without having claimed it, a claim to the payment may be made**]**, by any person, not being a minor, who—

(a) throughout a period of not less than **[**[F41]one year**]** ending with the date of displacement of the deceased, has resided in the dwelling, or a substantial part of it, as his only or main residence; and

(b) is entitled to benefit by virtue of testamentary dispositions taking effect on, or the law of intestate succession or the right of survivorship between joint tenants as applied to, the death of the deceased.

(5) Where the claimant has successively been in occupation of or resided in different dwellings in the same building, being dwellings consisting of a room or rooms not constructed or structurally adapted for use as a separate dwelling, section 29(2) above and subsections **[**[F42](3) to (4)**]** above shall have effect as if those dwellings were the same dwelling.

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(6) Where there are two or more persons entitled to make a claim to a home loss payment in respect of the same dwelling (whether by virtue of joint occupation or of subsection (4) above) the payment to be made on each claim shall be equal to the whole amount of the home loss payment divided by the number of such persons.

(7) Where an interest in a dwelling is acquired by agreement by an authority possessing compulsory purchase powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any home loss payment **[**[F43]or discretionary payment**]**which they would be required **[**[F43]or authorised**]** to make to him if the acquisition were compulsory and the authority had been authorised to acquire that interest before he gave up occupation of the dwelling.

[[F44](7A) For the purposes of the [M3] Limitation Act 1939 a person's right of action to recover a home loss payment shall be deemed to have accrued on the date of displacement. **]**

[[F45](7B) Where a landlord obtains possession by agreement of a dwelling subject to a secure tenancy within the meaning of Part IV of the Housing Act 1985 and—

(a) notice of proceedings for possession of the dwelling has been served, or might have been served, specifying ground 10 or 10A in Part II of Schedule 2 to that Act, or

(b) the landlord has applied, or could apply, to the Secretary of State or the **[**[F46]Regulator of Social Housing**]**[F47]. . . for approval for the purposes of ground 10A of a redevelopment scheme including the dwelling, or part of it,

the landlord may make to **[**[F48]any person giving up possession or occupation**]** a payment corresponding to any home loss payment **[**[F43]or discretionary payment**]** which they would be required **[**[F43]or authorised**]** to make to him if an order for possession had been made on either of those grounds.**]**

[[F49](7C) Where a landlord obtains possession by agreement of a dwelling in Wales subject to a tenancy which is a secure contract and—

(a) notice of proceedings for possession of the dwelling has been served, or might have been served, specifying ground A or ground B of the estate management grounds in Part 1 of Schedule 8 to the Renting Homes (Wales) Act 2016 (anaw 1), or

(b) the landlord has applied, or could apply, to the Welsh Ministers for approval for the purposes of estate management ground B of a scheme for the disposal and redevelopment of an area of land consisting of or including the whole or part of the dwelling,

the landlord may make to any person giving up possession or occupation a payment corresponding to any home loss payment or discretionary payment which they would be required or authorised to make to that person if an order for possession had been made on either of those grounds.**]**

[F50](8) . . . . . .

[F51](9) . . . . . .

Textual Amendments

F39 S. 32(1)-(3A) substituted (25.09.1991) for s. 32(1)-(3) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(4)(9)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F40 Words substituted by Local Government, Planning and Land Act 1980 (c. 65) s. 114(3)(6) except in cases where the date of displacement was more than 6 months before 13.11.1980

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F41 Words in s. 32(4) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(5)(9)**(with s. 84(5)); S.I. 1991/2067, **art. 3**

F42 Words in s. 32(5) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(6)(9)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F43 Words in s. 32(7)(7B) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(7)(9)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F44 S. 32(7A) inserted by Local Government, Planning and Land Act 1980 (c. 65), **s. 114(4)(6)** except in cases where the date of displacement was more than 6 months before 13.11.1980

F45 S. 32(7B) inserted by Housing and Planning Act 1986 (c. 63, SIF 61), **s. 9(4)**

F46 Words in s. 32(7B)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 5** (with art. 6, Sch. 3)

F47 Words in s. 32(7B)(b) repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 5**

F48 Words in s. 32(7B) substituted (25.09.1991 subject to the restrictions referred to in S.I. 1991/2067, **art. 4**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 23** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F49 S. 32(7C) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **7(3)**

F50 S. 32(8) repealed by Local Government, Planning and Land Act 1980 (c. 65), **Sch. 34 Pt XII**

F51 S. 32(9) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

Modifications etc. (not altering text)

C2 S. 32(7B) modified (1.12.2008) by Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 1** (with art. 6)

Marginal Citations

M3 1939 c. 21.

33 Home loss payments for certain caravan dwellers.

(1) Sections 29 to 32 above shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that site as they have effect in relation to a person displaced from a dwelling on any land but shall so have effect subject to the following modifications.

(2) No home loss payment **[**[F52]or discretionary payment**]** shall be made to any person by virtue of this section except where no suitable alternative site for stationing a caravan is available to him on reasonable terms.

(3) Subsection (1) of section 29 above shall have effect as if for the words preceding paragraph (a) there were substituted the words "Where a person residing in a caravan on a caravan site is displaced from that site in consequence of" and subsection (2) of that section shall have effect as if for paragraphs (a) and (b) there were substituted—

[[F53]"(a) he has been in occupation of the caravan site by using a caravan stationed on it as his only or main residence; and

(b) he has been in such occupation of the site by virtue of an interest or right to which this section applies."**]**

[F54]**[**(4) Section 30 above shall have effect as if the references to a person occupying a dwelling by virtue of an interest in it and to his interest in the dwelling were to a person occupying a caravan site by virtue of an interest in it and to that interest.**]**

(5) Section 32 above shall have effect—

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[F55][(a) as if in subsections (3) and (3A) the references to a dwelling were to a caravan site;]

(b) as if in subsection (4) for the words "resided in the dwelling, or a substantial part of it" there were substituted the words "resided in a caravan on the caravan site"; and

(c) as if for subsection (5) there were substituted—

"(5) Where any land comprises two or more caravan sites and the claimant has successively been in occupation of or resided in a caravan on different caravan sites on that land, section 29(2) above and subsections [F56](3) to (4)] above shall have effect as if those sites were the same site."

(6) Sections 29 to 32 above shall have effect as if in any provision not modified as aforesaid for any reference to a dwelling or land there were substituted a reference to a caravan site.

(7) In this section "caravan site" means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed.

Textual Amendments

F52 Words in s. 33(2) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(8)(a)(9)**(with s. 84(5)); S.I. 1991/2067, **art.3**

F53 Words in s. 33(3) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(8)(b)(9)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F54 S. 33(4) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(8)(c)(9)** (with s. 84(5)); S.I. 1991/2067, **art. 3**.

F55 S. 33(5)(a) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(8)(d)(9)** (with s. 84(5)); S.I. 1991/2067, **art.3**.

F56 Words in s. 33(5)(c) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), **s. 68(8)(d)(9)** (with s. 84(5)); S.I. 1991/2067,art. 3.

[F57Other loss payments

Textual Amendments

F57 S. 33A and cross-heading inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 106** (with s. 106(2)(3)); S.I. 2004/2593, art. 2(a)

33A Basic loss payment

(1) This section applies to a person—

(a) if he has a qualifying interest in land,

(b) if the interest is acquired compulsorily, and

(c) to the extent that he is not entitled to a home loss payment in respect of any part of the interest.

(2) A person to whom this section applies is entitled to payment of whichever is the lower of the following amounts—

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(a) 7.5% of the value of his interest;
(b) £75,000.

(3) A payment under this section must be made by the acquiring authority.

(4) An interest in land is a qualifying interest if it is a freehold interest or an interest as tenant and (in either case) it subsists for a period of not less than one year ending with whichever is the earliest of—
(a) the date on which the acquiring authority takes possession of the land under section 11 of the Compulsory Purchase Act 1965 (entry to take possession of land);
[F58](b) . . . . . .
(c) the vesting date (within the meaning of the Compulsory Purchase (Vesting Declarations) Act 1981) if a declaration is made under section 4 of that Act (general vesting declaration);
(d) the date on which compensation is agreed between the person and the acquiring authority;
(e) the date on which the amount of compensation is determined by the **[**[F59]Upper Tribunal**]**.

(5) The compulsory acquisition of an interest in land includes acquisition of the interest in consequence of the service of—
(a) a purchase notice under section 137 of the Town and Country Planning Act 1990 (right to require purchase of certain interests);
(b) a notice under section 150 of that Act (purchase of blighted land).

(6) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (7) and (8).

(7) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(8) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.**]**

Textual Amendments

F58 S. 33A(4)(b) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 16 para. 10**; S.I. 2016/733, reg. 3(j)

F59 Words in s. 33A(4)(e) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 105** (with Sch. 5)

[[F60]**33B Occupier's loss payment: agricultural land**

(1) This section applies to a person if—
(a) he has a qualifying interest in land for the purposes of section 33A,
(b) the land is agricultural land,
(c) the interest is acquired compulsorily, and
(d) he occupied the land for the period specified in section 33A(4).

Changes to legislation: *Land Compensation Act 1973, Part III is up to date with all changes known to be in force on or before 11 October 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*

(2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts—
  (a) 2.5% of the value of his interest;
  (b) the land amount;
  (c) the buildings amount.

(3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.

(4) A payment under this section must be made by the acquiring authority.

(5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).

(6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.

(8) The land amount is the greater of £300 and the amount found in accordance with the following Table—

Area of the land	*Amount per hectare*
Not exceeding 100 hectares	£100 per hectare or part of a hectare
Exceeding 100 hectares	(a) £100 per hectare for the first 100 hectares; (b) £50 per hectare for the next 300 hectares or part of a hectare.

(9) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.

(10) The gross floor space must be measured externally.

Textual Amendments

F60 S. 33B - S. 33C inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 107** (with s. 107(2)(3)); S.I. 2004/2593, art. 2(a)

33C Occupier's loss payment: other land

(1) This section applies to a person if—
  (a) he has a qualifying interest in land for the purposes of section 33A,
  (b) the land is not agricultural land,
  (c) the interest is acquired compulsorily, and
  (d) he occupied the land for the period specified in section 33A(4).

Changes to legislation: *Land Compensation Act 1973, Part III is up to date with all changes known to be in force on or before 11 October 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*

(2) A person to whom this section applies is entitled to a payment of whichever is the greatest of the following amounts—
  (a) 2.5% of the value of his interest;
  (b) the land amount;
  (c) the buildings amount.

(3) But the maximum amount which may be paid to a person under this section in respect of an interest in land is £25,000.

(4) A payment under this section must be made by the acquiring authority.

(5) The value of an interest is its value for the purpose of deciding the amount of compensation payable in respect of the acquisition; but this is subject to subsections (6) and (7).

(6) If an interest consists partly of a dwelling in respect of which the person is entitled to a home loss payment the value of the interest is the value of the whole interest less the value of so much of the interest as is represented by the dwelling.

(7) If rule (5) of section 5 of the Land Compensation Act 1961 (equivalent reinstatement) applies for the purpose of assessing the amount of compensation the value of the interest is nil.

(8) The land amount is the greater of—
  (a) £2,500;
  (b) £2.50 per square metre (or part of a square metre) of the area of the land.

(9) But if only part of land in which a person has an interest is acquired, for the figure specified in subsection (8)(a) there is substituted £300.

(10) The buildings amount is £25 per square metre (or part of a square metre) of the gross floor space of any buildings on the land.

(11) The gross floor space must be measured externally.**]**

Textual Amendments

F60 S. 33B - S. 33C inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 107** (with s. 107(2)(3)); S.I. 2004/2593, art. 2(a)

[[F61]33D Loss payments: exclusions

(1) This section applies to a person if—
  (a) he is a person to whom section 33A, 33B or 33C applies,
  (b) a notice falling within subsection (4) has been served on him in relation to the land mentioned in that section,
  (c) at the relevant time the notice has effect or is operative, and
  (d) he has failed to comply with any requirement of the notice.

(2) This section also applies to a person if—
  (a) he is a person to whom section 33A, 33B or 33C applies,
  (b) a copy of an order falling within subsection (5) has been served on him in relation to the land mentioned in that section, and

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(c) the order has not been quashed on appeal.

(3) No payment may be made under section 33A, 33B or 33C to a person to whom this section applies.

(4) These are the notices—

(a) notice under section 215 of the Town and Country Planning Act 1990 (power to require proper maintenance of land);

[[F62](b) notice under section 11 of the Housing Act 2004 (improvement notice relating to category 1 hazard);**]**

[[F62](c) notice under section 12 of that Act (improvement notice relating to category 2 hazard);**]**

(d) notice under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (repairs notice prior to compulsory notice of acquisition of listed building).

[[F63](5) These are the orders—

(a) an order under section 20 of the Housing Act 2004 (prohibition order relating to category 1 hazard);

(b) an order under section 21 of that Act (prohibition order relating to category 2 hazard);

(c) an order under section 43 of that Act (emergency prohibition orders);

(d) an order under section 265 of the Housing Act 1985 (demolition order relating to category 1 or 2 hazard).**]**

(6) The relevant time is the time at which the compulsory purchase order in relation to the person's interest in the land—

(a) is confirmed, in the case of an order falling within section 2(2) of the Acquisition of Land Act 1981 (procedure for authorisation);

(b) is made, in the case of an order falling within section 2(3) of that Act.

(7) The Secretary of State may by regulations amend subsections (4) and (5).**]**

Textual Amendments

F61 S. 33D inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 108** (with s. 108(2)); S.I. 2004/2593, art. 2(a)

F62 S. 33D(4)(b)(c) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 4(2)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F63 S. 33D(5) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 4(3)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

[[F64]33E Claims

(1) This section applies for the purposes of sections 33A to 33C.

(2) A claim for payment must be made in writing to the acquiring authority.

(3) The claim must give such particulars as the authority may reasonably require for the purpose of deciding—

(a) whether a payment is to be made;

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(b) the amount of any such payment.

(4) For the purposes of the Limitation Act 1980 a person's right of action to recover a payment must be taken to have accrued—

(a) in the case of a claim under section 33A on the last day of the period specified in subsection (4) of that section;

(b) in the case of a claim under section 33B or 33C on the date of his displacement from the land.

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

33F Insolvency

(1) This section applies if a person is entitled to a payment under section 33A, 33B or 33C but before a claim is made under section 33E insolvency proceedings are started in relation to the person.

(2) Any of the following may make a claim instead of the person mentioned in subsection (1)—

(a) a receiver, trustee in bankruptcy or the official receiver in the case of an individual;

(b) an administrator, administrative receiver, liquidator or provisional liquidator or the official receiver in the case of a company or a partnership.

(3) Insolvency proceedings are—

(a) proceedings in bankruptcy;

(b) proceedings under the Insolvency Act 1986 for the winding up of a company or an unregistered company (including voluntary winding up of a company under Part 4 of that Act);

(c) proceedings for the winding up of a partnership.

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

Modifications etc. (not altering text)

C3 S. 33F(2)(3) modified (31.1.2019) by The Further Education Bodies (Insolvency) Regulations 2019 (S.I. 2019/138), regs. 1(1), **34** (with regs. 1(2), 3(b))

33G Death

(1) This section applies if a person is entitled to a payment under section 33A, 33B or 33C but before a claim is made under section 33E the person dies (the deceased).

(2) A claim may be made by a person who—

(a) occupied the land for a period of not less than one year ending with the date on which the deceased is displaced from the land, and

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(b) is entitled to benefit on the death of the deceased by virtue of a ground mentioned in subsection (3).

(3) The grounds are—

(a) a testamentary disposition;

(b) the law of intestate succession;

(c) the right of survivorship between joint tenants.

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

33H Agricultural land: dual entitlement

(1) This section applies if a person is entitled in respect of the same interest in agricultural land to a payment both—

(a) under section 33B of this Act, and

(b) by virtue of section 12(1) of the Agriculture (Miscellaneous Provisions) Act 1968 (additional payments in consequence of compulsory acquisition of agricultural holding).

(2) Payment may be made in respect of only one entitlement.

(3) If the person makes a claim under both provisions he must be paid in respect of the entitlement which produces the greater amount.

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

Modifications etc. (not altering text)

C4 S. 33H applied by 1968 c. 34, s. 12(4) (as inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **Sch. 7 para. 4** (with s. 111); S.I. 2004/2593, art. 2(d))

33I Payment

(1) Any dispute as to the amount of a payment to be made under section 33A, 33B or 33C must be determined by the **[**[F65]Upper Tribunal**]**.

(2) The acquiring authority must make any payment required by section 33A not later than whichever is the latest of the following dates—

(a) the last day of the period specified in section 33A(4);

(b) the last day of the period of three months beginning with the day the claim is made;

(c) the day on which the amount of the payment is determined.

(3) The authority must make any payment required by section 33B or 33C not later than whichever is the latest of the following dates—

(a) the date the person is displaced from the land;

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(b) the last day of the period of three months beginning with the day the claim is made;

(c) the day on which the amount of the payment is determined.

(4) If paragraph (c) of subsection (2) or (3) applies the authority may at any time make a payment in advance to the person entitled to a payment (the claimant).

(5) If when the value of the interest is agreed or determined the amount of a payment made under subsection (4) differs from the payment required by section 33A, 33B or 33C—

(a) the amount by which the advance payment exceeds the payment required must be repaid by the claimant to the authority;

(b) the amount by which the payment required exceeds the advance payment must be paid by the authority to the claimant.

(6) The acquiring authority must pay interest on the amount required to be paid at the rate prescribed by regulations under section 32 of the Land Compensation Act 1961.

(7) Interest accrues from the date specified in paragraph (a) of subsection (2) or (3) (as the case may be).

(8) The authority may, at the request of the person entitled to the payment, make a payment on account of the interest mentioned in subsection (6).

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

F65 Words in s. 33I(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 106** (with Sch. 5)

33J Acquisition by agreement

(1) This section applies if—

(a) an interest in land which is a qualifying interest for the purpose of section 33A is acquired by agreement by an authority which has power to acquire the interest compulsorily, and

(b) the interest is acquired from a person who would be entitled to a payment under section 33A, 33B or 33C if the interest is acquired compulsorily.

(2) The authority may make a payment to the person of an amount equal to the amount they would be required to pay if the interest is acquired compulsorily.

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

33K Regulations

(1) This section applies for the purposes of sections 33A to 33I.

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(2) The Secretary of State may by regulations substitute for any amount or percentage figure specified in these sections such other amount or percentage figure (as the case may be) as he thinks fit.

(3) Except as provided in the following provisions of this section, a power to make regulations must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) This subsection applies to regulations under subsection (2) which substitute—

(a) a percentage figure, or

(b) an amount, in a case where the change in value condition is not satisfied.

(5) A statutory instrument containing regulations to which subsection (4) applies must not be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.

(6) The change in value condition is satisfied if the Secretary of State thinks that in the case of the substitution of an amount it is expedient to make the substitution in consequence of changes in the value of money or land.

(7) Regulations under subsection (2) may make different provision for different purposes.**]**

Textual Amendments

F64 Ss. 33E-33K inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 109**; S.I. 2004/2593, art. 2(a)

Farm loss payments

F66 34 Right to farm loss payment where person displaced from agricultural unit.

. . . . . .

Textual Amendments

F66 Ss. 34-36 repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), Sch. 7 para. 7(3), **9** (with s. 111, Sch. 7 para. 7(5), 9); S.I. 2004/2593, art. 2(d)(e)

F66 35 Amount of farm loss payment.

. . . . . .

Textual Amendments

F66 Ss. 34-36 repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), Sch. 7 para. 7(3), **9** (with s. 111, Sch. 7 para. 7(5), 9); S.I. 2004/2593, art. 2(d)(e)

F66 36 Supplementary provisions about farm loss payments.

. . . . . .

Changes to legislation: *Land Compensation Act 1973, Part III is up to date with all changes known to be in force on or before 11 October 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*

Textual Amendments

F66 Ss. 34-36 repealed (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), Sch. 7 para. 7(3), **9** (with s. 111, Sch. 7 para. 7(5), 9); S.I. 2004/2593, art. 2(d)(e)

Disturbance payments

37 Disturbance payments for persons without compensatable interests.

(1) Where a person is displaced from any land in consequence of—

(a) the acquisition of the land by an authority possessing compulsory purchase powers;

[[F67](b) the making of a housing order in respect of a house or building on the land;**]**

(c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of **[**[F68]any improvement to a house or building on the land or of**]** redevelopment on the land,

(d) **[**[F69]the carrying out of any improvement to a house or building on the land or of re-development on the land by a housing association which has previously acquired the land and at the date of the displacement is **[**[F70]either a private registered provider of social housing or**][**[F71]a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act)**];]**

he shall, subject to the provisions of this section, be entitled to receive a payment (hereafter referred to as a "disturbance payment") from

[[F72](i) where paragraph (a) above applies, the acquiring authority;

(ii) where paragraph (b) above applies, the authority who made **[**[F73]the housing order;**]**

(iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment; and

(iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.**]**

(2) A person shall not be entitled to a disturbance payment—

(a) in any case, unless he is in lawful possession of the land from which he is displaced;

(b) in a case within subsection (1)(a) above, unless either—

(i) he has no interest in the land for the acquisition or extinguishment of which he is (or if the acquisition or extinguishment were compulsory would be) entitled to compensation under any other enactment; or

(ii) . . . . . [F74]

(c) in a case within subsection (1)(b) above, if he is entitled to **[**[F75]a payment under section 584A(1) of the Housing Act 1985 (compensation payable in case of **[**[F76]prohibition**]** and demolition orders)**]**.

[[F77](d) in a case within subsection (1)(d) above, unless the [M4] displacement occurred on or after 31st July 1974 (on which date the Housing Act 1974 was passed). **]**

[F78] . . . . . .

(3) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition **[**[F79]improvement or redevelopment as is mentioned in paragraph (a), (c) or (d)**]** of that subsection unless he was in lawful possession of the land—

(a) in the case of land acquired under a compulsory purchase order, at the time when notice was first published of the making of the compulsory purchase order prior to its submission for confirmation or, where the order did not require confirmation, of the preparation of the order in draft;

(b) in the case of land acquired under an Act specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for that Act specifying the land were first published;

(c) in the case of land acquired by agreement, at the time when the agreement was made;

and a person shall not be treated as displaced in consequence of **[**[F80]a housing order within paragraph (b) of that subsection unless he was in lawful possession as aforesaid at the time when the order was made.**]**

[[F81](3A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of **[**[F82]the carrying out of any improvement to a house or building unless he is permanently displaced in consequence of the carrying out of that improvement.**]**

(4) Where a person is displaced from land in circumstances such that, apart from this subsection, he would be entitled to a disturbance payment from any authority and also to compensation from that authority under section 37 of the [M5] Landlord and Tenant Act 1954 (compensation from landlord where order for new tenancy of business premises precluded on certain grounds) he shall be entitled, at his option, to one or the other but not to both.

(5) Where a person is displaced from any land as mentioned in subsection (1) above but is not entitled, as against the authority there mentioned, to a disturbance payment or to compensation for disturbance under any other enactment, the authority may, if they think fit, make a payment to him determined in accordance with section 38(1) to (3) below.

(6) A disturbance payment shall carry interest, at the rate for the time being prescribed under section 32 of the [M6] Land Compensation Act 1961. . . [F83] , from the date of displacement until payment.

(7) This section does not apply to any land which is used for the purposes of agriculture.

(8) . . . . . [F84]

(9) In this section "a housing order. . . [F83F85]..."**[**[F86]"improvement"**]** and "redevelopment" have the same meaning as in section 29 above.

(10) This section applies if the date of displacement is on or after 17th October 1972.**]**

Textual Amendments

F67 S. 37(1)(b) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 5(2)(a)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F68 Words inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 39(1)(b)**

F69 S. 37(1)(*d*) substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(3)**(*b*)

***Changes to legislation:** Land Compensation Act 1973, Part III is up to date with all changes known to be in force on or before 11 October 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*

F70 Words in s. 37(1)(d) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 6** (with art. 6, Sch. 3)

F71 Words in s. 37(1)(d) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 3(3)**

F72 Paras. (i) to (iv) substituted for words by Housing Act 1974 (c. 44), s.130, **Sch. 13 para. 39(1)(d)**

F73 Words in s. 37(1)(ii) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 5(2)(b)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F74 S. 37(2)(b)(ii) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), **Sch. 12 Pt. II**

F75 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 31**

F76 Word in s. 37(2)(c) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 5(3)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F77 S. 37(2)(*d*) added by Housing Rents and Subsidies Act 1975 (c. 6), s. 17(4), **Sch. 5 para. 10**(*b*) and continued by virtue of Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(3)**(*d*)

F78 Words repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F79 Words substituted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 39(2)**

F80 Words in s. 37(3) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 5(4)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F81 S. 37(3A) inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 39(3)**

F82 Words in s. 37(3A) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 5(5)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F83 Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F84 Ss. 32(9), 34(7), 37(8), 41(11), 44(3), 46(8) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F85 Words in s. 37(9) repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), Sch. 15 para. 5(6), **16**; S.I. 2006/1060, art. 2(1)(d)(e) (with Sch.); S.I. 2006/1535, art. 2(b)(c) (with Sch.)

F86 Word inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 39(4)**

Modifications etc. (not altering text)

C5 S. 37(5) excluded by Conwy Tunnel (Supplementary Powers) Act 1983 (c. 7, SIF 59), **s. 14(7)**
S. 37(5) modified (5.11.1993) by 1993 c. 42, s. 2, **Sch. 2 para. 5(7)** (with s. 30(1), Sch. 2 para. 9).

Marginal Citations

M4 1974 c. 44.

M5 1954 c. 56.

M6 1961 c. 33.

38 Amount of disturbance payment.

(1) The amount of a disturbance payment shall be equal to—

(a) the reasonable expenses of the person entitled to the payment in removing from the land from which he is displaced; and

(b) if he was carrying on a trade or business on that land, the loss he will sustain by reason of the disturbance of that trade or business consequent upon his having to quit the land.

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(2) In estimating the loss of any person for the purposes of subsection (1)(b) above, regard shall be had to the period for which the land occupied by him may reasonably have been expected to be available for the purposes of his trade or business and to the availability of other land suitable for that purpose.

This subsection has effect subject to section 46(7) below.

(3) Where the displacement is from a dwelling in respect of which structural modifications have been made for meeting the special needs of a disabled person (whether or not the person entitled to the disturbance payment) then, if—

(a) a local authority **[**[F87]in England having functions under Part 1 of the Care Act 2014 or a local authority in Wales**]** having functions under **[**[F88]Part 4 of the Social Services and Well-being (Wales) Act 2014**]** , [F89] . . . , provided assistance, or

(b) such an authority would, if an application had been made, have provided assistance,

for making those modifications, the amount of the disturbance payment shall include an amount equal to any reasonable expenses incurred by the person entitled to the payment in making, in respect of a dwelling to which the disabled person removes, comparable modifications which are reasonably required for meeting the disabled person's special needs.

(4) Any dispute as to the amount of a disturbance payment shall be referred to and determined by the **[**[F90]Upper Tribunal**]**[F89] . . . .

Textual Amendments

F87 Words in s. 38(3)(a) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 24** (with arts. 1(3), 3)

F88 Words in s. 38(3)(a) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **31**

F89 Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F90 Words in s. 38(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 107** (with Sch. 5)

Rehousing

39 Duty to rehouse residential occupiers.

(1) Where a person is displaced from residential accommodation on any land in consequence of—

(a) the acquisition of the land by an authority possessing compulsory purchase powers;

[F91]**[**(b) the making of a housing order in respect of a house or building on the land;**]**

(c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of **[**[F92]any improvement to a house or building on the land or of**]** redevelopment on the land,

[F93](d) . . . . . .

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and suitable alternative residential accommodation on reasonable terms is not otherwise available to that person, then, subject to the provisions of this section, it shall be the duty of the relevant authority to secure that he will be provided with such other accommodation.

(2) Subsection (1) above shall not by virtue of paragraph (a) thereof apply to a person if the acquisition is in pursuance of the service by him of a blight notice within the meaning of **[**[F94]section 149 of the Town and Country Planning Act 1990**]**[F95]. . .

(3) Subsection (1) above shall not apply to any person who is a trespasser on the land or who has been permitted to reside in any house or building on the land pending its demolition **[**[F96]or improvement**]**.

(4) Subsection (1) above shall not apply to any person to whom money has been advanced—

(a) under section 41 below;

(b) under the Small Dwellings Acquisition Acts 1899 to 1923 or section 43 of the [M7]Housing (Financial Provisions) Act 1958 **[**[F97]or section 435 of the Housing Act 1985**]**;

[F98](c) . . . . . .

(d) by a development corporation or the **[**[F99]new towns residuary body**]** otherwise than under section 41 below,

[F100](f) . . . . . .

for the purpose of enabling him to obtain accommodation in substitution for that from which he is displaced as mentioned in that subsection.

[F101](5) . . . . . .

(6) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition **[**[F102]improvement**]** or redevelopment as is mentioned in paragraph (a) or (c) of that subsection unless he was residing in the accommodation in question—

(a) in the case of land acquired under a compulsory purchase order, at the time when notice was first published of the making of the order prior to its submission for confirmation or, where the order did not require confirmation, of the preparation of the order in draft;

(b) in the case of land acquired under an Act specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for the Act specifying the land were first published;

(c) in the case of land acquired by agreement, at the time when the agreement was made;

and a person shall not be treated as displaced in consequence of **[**[F103]a housing order within paragraph (b) of that subsection unless he was residing in the accommodation in question at the time when the order was made.**]**

[[F104](6A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of **[**[F105]the carrying out of any improvement to a house or building unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of that improvement.**]**

[[F106](7) Subject to subsection (8) below, the 'relevant authority' for the purpose of this section is the local housing authority within the meaning of the Housing Act 1985.**]**

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(8) Where the land is in an area designated as the site of a new town—

(a) paragraph (c) of subsection (1) above shall apply if the land on which the redevelopment is carried out has been previously acquired by the development corporation and is for the time being held either by that corporation or by the **[**[F107]new towns residuary body**]**;

(b) if the authority by whom the land is acquired or redeveloped is the development corporation, that corporation shall, in a case falling within paragraph (a) or (c) of that subsection, be the relevant authority for the purposes of this section;

(c) if the authority by whom the land is redeveloped is the **[**[F108]new towns residuary body, that body**]** shall, in a case falling within paragraph (c) of that subsection, be the relevant authority for the purposes of this section.

[F100](d) . . . . . .

[F109](8A) . . . . . .

(9) In this section**[**[F110]—

(a)**]** "a housing order [F111]. . . [F112]..." **[**[F113]"improvement"**]** and "redevelopment" have the same meaning as in section 29 above.

[[F114](b) "new towns residuary body" means—

(i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 **[**[F115] or the Greater London Authority so far as exercising its new towns and urban development functions**]**; and

(ii) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981.**]]**

Textual Amendments

F91 S. 39(1)(b) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), Sch. 15 para. 6(2); S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, **arts. 1(2)(c)**, 2(b) (with art. 3, Sch.)

F92 Words inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 40(1)**

F93 S. 39(1)(d) (which was inserted by Housing Act 1974 (c. 44), s. 130, Sch. 13 para. 40(1)) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), **Sch. 12 Pt. II**

F94 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 29(6)**

F95 Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F96 Words added by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 40(2)**

F97 Words inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(4)(b)**

F98 S. 39(4)(c) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F99 Words in s. 39(4)(d) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 17(2)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

F100 S. 39(4)(f) and (8)(d) repealed (1.10.1998) by 1998 c. 38 , s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F101 S. 39(5) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F102 Word inserted by Housing Act 1974 (c. 44), s. 130, Sch, 13 para. 40(3)

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F103 Words in s. 39(6) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34) , s. 270(4)(5)(f), Sch. 15 para. 6(3); S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, **arts. 1(2)(c)**, 2(b) (with art. 3, Sch.)

F104 S. 39(6A) inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 40(4)**

F105 Words in s. 39(6A) substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), Sch. 15 para. 6(4); S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, **arts. 1(2)(c)**, 2(b) (with art. 3, Sch.)

F106 S. 39(7) substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 29(4)(c)**

F107 Words in s. 39(8)(a) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 17(3)(a)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

F108 Words in s. 39(8)(c) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 17(3)(b)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

F109 S. 39(8A) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F110 S. 39(9)(a): words in s. 39(9) renumbered as s. 39(9)(a) (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 17(4)(a); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

F111 Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F112 Words in s. 39(9) repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), Sch. 15 para. 6(5), Sch. 16; S.I. 2006/1060, art. 2(1)(d)(e) (with Sch.); S.I. 2006/1535, **arts. 1(2)(c)**, 2(b) (with art. 3, Sch.)

F113 Word inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 40(7)**

F114 S. 39(9)(b) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 17(4)(b)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

F115 Words in s. 39(9)(b)(i) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 3**; S.I. 2012/57, art. 4(1)(aa) (with arts. 6, 7, 9-11)

Modifications etc. (not altering text)

C6 S. 39: power to apply certain functions conferred by Housing Act 1988 (c. 50, SIF 61), **s. 65(2)(c)(4)**

Marginal Citations

M7 1958 c. 42.

40 Duty to rehouse certain caravan dwellers.

(1) Section 39 above shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that site as it has effect in relation to a person displaced from residential accommodation on any land but shall so have effect subject to the following modifications.

(2) Subsection (1) of the said section 39 shall have effect—

(a) as if for the words preceding paragraph (a) there were substituted the words "Where a person residing in a caravan on a caravan site is displaced from that site in consequence of"; and

(b) as if for the words following paragraph (c) there were substituted the words "and neither suitable residential accommodation nor a suitable alternative site for stationing a caravan is available to that person on reasonable terms, then, subject to the provisions of this section, it shall be the duty of the relevant authority to secure that he will be provided with suitable residential accommodation".

(3) Subsection (6) of the said section 39 shall have effect as if in the words preceding paragraph (a) for the words "unless he was residing in the accommodation in question"

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there were substituted the words "unless he was residing in a caravan on the caravan site in question".

(4) The said section 39 shall have effect as if in any provision not modified as aforesaid for any reference to land there were substituted a reference to a caravan site.

(5) In this section "caravan site" has the same meaning as in section 33 above.

Modifications etc. (not altering text)

C7 S. 40: power to apply certain functions conferred by Housing Act 1988 (c. 50, SIF 61), **s. 65(2)**(*c*)(4)

41 Power of relevant authority to make advances repayable on maturity to displaced residential owner-occupiers.

(1) Where a person displaced from a dwelling in consequence of any of the matters mentioned in subsection (1)(a), (b) or (c) of section 39 above—

(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 relevant authority for the purposes of that section may advance money to him for the purpose of enabling him to acquire or construct the other dwelling.

(2) The power conferred by this section shall be exercisable subject to such conditions as may be approved by the Secretary of State 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 payment of the principal—

(i) at the end of a fixed period, with or without a provision allowing the authority to extend that period; or

(ii) upon notice given by the authority,

subject, in either case, to a provision for earlier repayment on the happening of a specified event;

(b) on such other terms as the authority 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 relevant authority, 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 section the relevant authority shall satisfy themselves 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) While the payment of the principal of an advance made by a local authority under this section is not required in accordance with the terms of the advance, the local authority may suspend, with respect to so much of any sum borrowed by them as is

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referable to the advance or with respect to any sum paid in respect of the advance out of their Consolidated Loans Fund, any periodical provision for repayment that may be required by any enactment or by any scheme (whether made under section 55 of the [M8]Local Government Act 1958 or under any local enactment) by which the Fund was established.

(8) The power conferred by this section on a relevant authority is without prejudice to any power to advance money exercisable by the authority under any other enactment.

(9) In this section "owner-occupier", in relation to any dwelling, 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 therein or a tenancy thereof granted or extended for a term of years certain of which not less than three years remain unexpired; or

(b) if the displacement is in consequence of the matters mentioned in paragraph (c) of section 39(1) above, 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 paragraph.

(10) In this section 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.

(11) . . . . . [F116]

Textual Amendments

F116 Ss. 32(9), 34(7), 37(8), 41(11), 44(3), 46(8) repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

Modifications etc. (not altering text)

C8 S. 41: power to apply certain functions conferred by Housing Act 1988 (c. 50, SIF 61), **s. 65(2)**(*c*)(4)

Marginal Citations

M8 1958 c. 55.

42 Duty of displacing authority to indemnify rehousing or lending authority for net losses.

(1) Where a relevant authority within the meaning of section 39 above provide or secure the provision of accommodation for any person in pursuance of subsection (1)(a) or (c) of that section, then, if—

(a) the authority providing the accommodation ("the rehousing authority") are not the same as the authority by whom the land in question is acquired or redeveloped ("the displacing authority"); and

(b) the displacing authority are not an authority having functions under **[**[F117]Part II of the Housing Act 1985**][**[F118]or (if they are such an authority) the land is acquired or redeveloped by them otherwise than in the discharge of those functions**]**

the displacing authority shall make to the rehousing authority periodical payments, or if the rehousing authority so require a lump sum payment, by way of indemnity against any net loss in respect of the rehousing authority's provision of that accommodation

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which may be incurred by that authority in any year during the period of ten years commencing with the year in which the accommodation is first provided.

(2) For the purposes of subsection (1) above a local authority incur a net loss in respect of their provision of accommodation for a person whom they are rehousing—

(a) if they rehouse him in a dwelling provided by them under **[**[F119]Part II of the said Act 1985**]**, [F120], for the purpose of rehousing him; or

(b) if—

(i) they rehouse him in a Housing Revenue Account dwelling not so provided [F120], and

(ii) provide under **[**[F121]the said Part II**]** in the year immediately preceding that in which he first occupies it, or in the period of three years commencing with the year in which he first occupies it, a dwelling [F120] of a similar type or size.

(3) Where money has been advanced to a person as mentioned in section 39(4) above, then if—

(a) the authority making the advance ("the lending authority") are not the same as the displacing authority; and

(b) the lending authority incur a net loss in respect of the making of the advance,

the displacing authority shall make to the lending authority a lump sum payment by way of indemnity against that loss.

(4) For the purposes of subsection (3) above, a lending authority incur a net loss in respect of the making of an advance to any person if—

(a) he does not fully discharge his liability to the authority in respect of principal, interest and costs or expenses in accordance with the terms on which the advance is made; and

(b) the deficiency exceeds the net proceeds arising to the authority on a sale of the interest on which the principal and interest is secured.

(5) The Secretary of State may—

(a) for the purposes of subsection (1) above from time to time determine a method to be used generally in calculating net losses incurred by rehousing authorities;

(b) for the purposes of that subsection or subsection (3) above, determine the net loss incurred by a rehousing authority or lending authority in any particular case;

(c) give directions as to the manner in which any payment under this section is to be made.

(6) **[**[F122]In subsection (2)—

'Housing Revenue Account dwelling' means a dwelling which is within the authority's Housing Revenue Account (within the meaning of **[**[F123]Part VI of the Local Government and Housing Act 1989)**]]**

Textual Amendments

F117 Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(5)**(*a*)

F118 Words inserted by Housing Act 1980 (c. 51), **s. 138**

F119 Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(5)**(*b*)

Changes to legislation: *Land Compensation Act 1973, Part III is up to date with all changes known to be in force on or before 11 October 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*

F120 Words repealed by Land Compensation (Scotland) Act 1973 (c. 56), **Sch. 2 Pt. I**

F121 Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(5)**(*c*)

F122 S. 42(6) substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 24(5)**(*d*)

F123 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 32(1)(2)**

43 Power of relevant authority to defray expenses in connection with acquisition of new dwellings.

(1) Where a person displaced from a dwelling in consequence of **[**[F124]any of the events specified in paragraphs (a) to (d) of section 39(1)above**]**—

(a) has no interest in the dwelling or no greater interest therein than as tenant for a year or from year to year; and

(b) wishes to acquire another dwelling in substitution for that from which he is displaced,

[[F124]then, according to the nature of the event in consequence of which he was displaced, the acquiring authority, the authority who made the order, passed the resolution, accepted the undertaking or served the notice or the authority carrying out the improvement or redevelopment**]** may pay any reasonable expenses incurred by him in connection with the acquisition, other than the purchase price.

(2) No payment shall be made under this section in respect of expenses incurred by any person in connection with the acquisition of a dwelling unless the dwelling is acquired not later than one year after the displacement and is reasonably comparable with that from which he is displaced.

(3) For the purposes of subsection (2) above a dwelling acquired pursuant to a contract shall be treated as acquired when the contract is made.

(4) Subsections (3) **[**[F125](6) and (6A)**]** of section 39 above shall have effect in relation to subsection (1) above and to **[**[F125]any provision of subsection (1)**]** of that section as applied thereby.

Textual Amendments

F124 Words substituted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 41(1)**

F125 Words substituted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 41(2)**

Changes to legislation:
Land Compensation Act 1973, Part III is up to date with all changes known to be in force on or before 11 October 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.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2024/752 Sch. 6 para. 13
- Act modified by S.I. 2020/1297 Sch. 5 para. 3 (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by S.I. 2021/51 Sch. 6 para. 3 (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A(9)(b)(c) substituted for s. 12A(9)(b) by 2002 c. 15 Sch. 8 para. 1(4)
- s. 52A(2B) inserted by 2016 c. 22 s. 196(2)(b)
- s. 52A(2B) words substituted by 2017 c. 20 s. 39