



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;
 - (b) the making . . . ^{F1} or acceptance of a housing order . . . ^{F1} or undertaking in respect of the dwelling. . . ^{F2}
 - (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 [^{F3}any improvement to the dwelling or of] redevelopment on the land,
 - [^{F4}(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 [^{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;] 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
 - [^{F7}(i) where paragraph (a) above applies, the acquiring authority;
 - (ii) where paragraph (b) above applies, the authority who made the order, ^{F8} . . . , accepted the undertaking or served the notice;
 - (iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment; ^{F9} . . .

Status: Point in time view as at 31/10/2004. This version of this provision has been superseded.

Changes to legislation: Land Compensation Act 1973, Section 29 is up to date with all changes known to be in force on or before 28 May 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)

(iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.]]^{F10}and]

[^{F11}(v) where paragraph (e) [^{F12} above] applies, the landlord.]

^{F13}[(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.

[^{F14}(3A) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of the acceptance of an undertaking, ^{F15} . . . or of the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of the works specified in the undertaking or notice or, as the case may be, of the improvement in question.]

[^{F16}(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;
- ^{F17}[(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]

(c)^{F18}

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

^{F19}[(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 theHousing Act 1985 (secure tenancies) applies to the licence, ^{F20} . . .
- (iii) the licence is an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988]]^{F21}, or
- (iv) Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies) applies to the licence.]

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^{F22}(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.

[^{F23}(7) In this section “ a housing order or undertaking ” means—

- (a) a demolition or closing order, or an obstructive building order, under Part IX of the Housing Act 1985 (slum clearance);
- (b) a closing order under section 368(4) of that Act (closing of multi-occupied house with inadequate means of escape from fire);
- (c) an undertaking accepted under section. . . ^{F24} 368 of that Act. . .]^{F24}

[^{F25}(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.

. . . ^{F1}

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

Textual Amendments

- F1** Words repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#) , [Sch. 2 Pt. I](#)
- F2** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#) , s. 194(4), [Sch. 12 Pt. II](#)
- F3** Words inserted by [Housing Act 1974 \(c. 44\)](#) , s. 130 , [Sch. 13 para. 38\(1\)\(b\)](#)
- F4** S. 29(1)(*d*) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#) , s. 4 , [Sch. 2 para. 24\(2\) \(b \)](#)
- 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** Paras. (i) to (iv) substituted for words by [Housing Act 1974 \(c. 44\)](#) , s. 130 , [Sch. 13 para. 38\(1\)\(c\)](#)
- F8** Words in s. 29(1)(ii) 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)(a), [Sch. 19 Pt. III](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#).
- F9** 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](#)
- F10** 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](#) .
- F11** S. 29(1)(v) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#) , [s. 9\(3\) \(b \)](#)

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- F12** 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** .
- F13** S. 29(2) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , **s. 68(1)(9)** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .
- F14** S. 29(3A) inserted by Housing Act 1974 (c. 44) , s. 130 , **Sch. 13 para. 38(2)**
- F15** Words in s. 29(3A) 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(3), **Sch. 19 Pt. III** (with s. 84(5)); S.I. 1991/2067 , **art. 3** .
- F16** 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)
- F17** 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** .
- F18** S. 29(4)(c) repealed by Land Compensation (Scotland) Act 1973 (c. 56) , **Sch. 2 Pt. I**
- F19** 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** .
- F20** Word in s. 29(4)(e) omitted (12.2.1997) by virtue of S.I. 1997/74 , art. 2 , **Sch. para. 1**
- F21** S. 29(4)(e)(iv) and word immediately preceding it inserted (12.2.1997) by S.I. 1997/74 , art. 2 , **Sch. para. 1**
- F22** S. 29(5) repealed (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1) , ss. 68(2)(9) , 84(6) , **Sch. 19 Pt. III** (with s. 84(5)); S.I. 1991/2067 , **art. 3**
- F23** S. 29(7) substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61) , s. 4 , **Sch. 2 para. 24(2)** (*d*)
- F24** Words repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1) , s. 194(4), **Sch. 12 Pt. II**
- F25** S. 29(7A) inserted by Housing Act 1974 (c. 44) , s. 130 , **Sch. 13 para. 38(3)**

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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