



Land Compensation Act 1973

1973 CHAPTER 26

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

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;
 - ^{F1}(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 [^{F2}any improvement to a house or building on the land or of] redevelopment on the land,
 - ^{F3}(d)
- 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 [^{F4}section 149 of the Town and Country Planning Act 1990]^{F5}. . .
- (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 [^{F6}or improvement].

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(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 ^{M1}Housing (Financial Provisions) Act 1958 [^{F7}or section 435 of the Housing Act 1985];

^{F8}(c)

- (d) by a development corporation or the [^{F9}new towns residuary body] otherwise than under section 41 below,

^{F10}(f)

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

^{F11}(5)

(6) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition [^{F12}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 [^{F13}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.]

^{F14}(6A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of [^{F15}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.]

[Subject to subsection (8) below, the 'relevant authority' for the purpose of this section ^{F16}(7) is the local housing authority within the meaning of the Housing Act 1985.]

(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 [^{F17}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;

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- (c) if the authority by whom the land is redeveloped is the ^{F18}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.

^{F10}(d)

^{F19}(8A)

(9) In this section^{F20}—

- (a) “a housing order ^{F21} . . . ^{F22} . . .” ^{F23}“improvement”] and “redevelopment” have the same meaning as in section 29 above.

[“new towns residuary body” means—

- ^{F24}(b) (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 ^{F25} 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

- F1** 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.)
- F2** Words inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, [Sch. 13 para. 40\(1\)](#)
- F3** 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](#)
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 29\(6\)](#)
- F5** Words repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [Sch. 2 Pt. I](#)
- F6** Words added by [Housing Act 1974 \(c. 44\)](#), s. 130, [Sch. 13 para. 40\(2\)](#)
- F7** Words inserted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 24\(4\)\(b\)](#)
- F8** S. 39(4)(c) repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [Sch. 2 Pt. I](#)
- F9** 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)
- F10** 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](#)
- F11** S. 39(5) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)
- F12** Word inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, Sch. 13 para. 40(3)
- F13** 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.)
- F14** S. 39(6A) inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, [Sch. 13 para. 40\(4\)](#)
- F15** 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.)
- F16** S. 39(7) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 29\(4\)\(c\)](#)
- F17** 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)

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- F18** 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)
- F19** S. 39(8A) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)
- F20** 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)
- F21** Words repealed by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [Sch. 2 Pt. I](#)
- F22** 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.)
- F23** Word inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, [Sch. 13 para. 40\(7\)](#)
- F24** 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)
- F25** 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)

- C1** S. 39: power to apply certain functions conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 65\(2\)\(c\)\(4\)](#)
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Marginal Citations

- M1** 1958 c. 42.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- 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](#)