

SCHEDULES

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The Land Compensation Act 1973

- 38 (1) In the Land Compensation Act 1973 (in this Schedule referred to as "the 1973 Act"), in section 29 (right to home loss payment where person displaced from dwelling) subsection (1) shall be amended as follows:—
- (a) at the end of paragraph (b) there shall be added the words " or the service of an improvement notice, within the meaning of Part VIII of the Housing Act 1974, in respect of the dwelling ";
 - (b) in paragraph (c) after the words " the carrying out of " there shall be inserted the words " any improvement to the dwelling or of " and at the end of that paragraph there shall be added the following paragraph:—
 - “(d) where the land has previously been acquired by a registered housing association, within the meaning of the Housing Act 1974, or by an unregistered housing association which falls within section 18(1)(a) of that Act, the carrying out by that association of any improvement to the dwelling or of redevelopment on the land”; and
 - (c) for the words from " the acquiring authority" to the end of the subsection there shall be substituted the following paragraphs:—
 - “(i) where paragraph (a) above applies, the acquiring authority;
 - (ii) where paragraph (b) above applies, the authority who made the order, passed the resolution, accepted the undertaking or served the notice ;
 - (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) After subsection (3) of that section there shall be inserted the following subsection:—
- “(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, of the service of such an improvement notice as is mentioned in subsection (1)(b) above 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”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (7) of that section for the words "or section 15(4)(i) of the said Act of 1966 " there shall be substituted the words " section 15(4)(i) of the said Act of 1966 or section 87 of the Housing Act 1974 " , the words "and 'redevelopment' includes a change of use " shall be omitted and at the end of that subsection there shall be inserted the following subsection:—
- “(7A) In this section—
- ' improvement ' includes alteration and enlargement; and ' redevelopment' includes a change of use.”
- 39 (1) In section 37 of the 1973 Act (disturbance payments for persons without compensatable interests) subsection (1) shall be amended—
- (a) by adding, at the end of paragraph (b), the words " or the service of an improvement notice, within the meaning of Part VIII of the Housing Act 1974, in respect of a house on the land ";
- (b) by inserting, in paragraph (c), after the words " the carrying out of " the words " any improvement to a house or building on the land or of " ;
- (c) by adding, at the end of paragraph (c) the following paragraph:—
- “(d) where the land has previously been acquired by a registered housing association, within the meaning of the Housing Act 1974, or by an unregistered housing association which falls within section 18(1)(a) of that Act, the carrying out by that association of any improvement to a house or building on the land or of redevelopment on that land”; and
- (d) by making the like amendments as are specified, in relation to section 29(1) of that Act, in paragraph 38(1)(c) above.
- (2) Subsection (3) of that section shall be amended as follows:—
- (a) for the words "or redevelopment as is mentioned in paragraph (a) or (c)" there shall be substituted the words " improvement or redevelopment as is mentioned in paragraph (a), (c) or (d) ";
- (b) for the words " or undertaking " there shall be substituted the words " undertaking or improvement notice ";
- (c) for the words " or the undertaking was accepted" there shall be substituted the words " the undertaking was accepted or the notice was served ".
- (3) After subsection (3) of that section there shall be inserted the following subsection:—
- “(3A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the acceptance of an undertaking, of the service of such an improvement notice as is mentioned in paragraph (b) of that subsection or of the carrying out of any improvement to a house or building unless he is permanently displaced 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.”
- (4) In subsection (9) of that section after the word " undertaking " there shall be inserted the word " ' improvement' " .
- 40 (1) In section 39 of the 1973 Act (duty to rehouse residential occupiers) in paragraph (c) of subsection (1) after the words " the carrying out of " there shall be inserted the words " any improvement to a house or building on the land or of " and at the end of that paragraph there shall be added the following paragraph:—

Status: This is the original version (as it was originally enacted).

- “(d) the service of an improvement notice, within the meaning of Part VIII of the Housing Act 1974, in respect of premises in which that accommodation is situated”.
- (2) In subsection (3) of that section after the word "demolition " there shall be added the words " or improvement " .
- (3) In subsection (6) of that section after the words " such acquisition " there shall be inserted the word " improvement " , after the words " paragraph (b) of that subsection " there shall be inserted the words " or of such an improvement notice as is mentioned in paragraph (d) of that subsection " and for the words " or the undertaking was accepted" there shall be substituted the words " the undertaking was accepted or the notice was served " .
- (4) After subsection (6) of that section there shall be inserted the following subsection:—
- “(6A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the acceptance of an undertaking, of the carrying out of any improvement to a house or building or of the service of such an improvement notice as is mentioned in paragraph (d) of that subsection unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of the works specified in the undertaking, the carrying out of the improvement or, as the case may be, the carrying out of the works specified in the notice.”
- (5) In subsection (7) of that section for the words " subsection (8)" there shall be substituted the words " subsections (8) and (8A) " .
- (6) After subsection (8) there shall be inserted the following subsection:—
- “(8A) In a case where subsection (1) above applies in consequence of the acceptance of an undertaking under section 87 of the Housing Act 1974 or the service of an improvement notice within the meaning of Part VIII of that Act, the relevant authority for the purposes of this section is the authority which is the local authority, within the meaning of Part VII of that Act, in relation to the premises in which the residential accommodation is situated” .
- (7) In subsection (9) of that section after the word " undertaking " there shall be inserted the word " ' improvement' " .
- 41 (1) In section 43 of the 1973 Act (power to defray expenses in connection with acquisition of new dwellings) in subsection (1),—
- (a) for the words " any such acquisition as is mentioned in section 39(1)(a) above " , there shall be substituted the words " any of the events specified in paragraphs (a) to (d) of section 39(1) above ; and
- (b) for the words " the acquiring authority" there shall be substituted the words " 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 " .
- (2) In subsection (4) of that section for the words " and (6)" there shall be substituted the words " (6) and (6A) " and for the words " subsection (1)(a)" there shall be substituted the words " any provision of subsection (1) " .