
STATUTORY INSTRUMENTS

1992 No. 1307

The Home Loss Payments (Northern Ireland) Order 1992

Supplementary provisions about home loss payments

6.—(1) Article 32 of the principal Order (supplementary provisions about home loss payments) shall have effect subject to the following provisions of this Article.

(2) For paragraphs (1) to (3) there shall be substituted the following paragraphs—

“(1) No home loss payment or discretionary payment shall be made except on a claim in writing—

- (a) made by the claimant before the expiration of the period of 6 months beginning with the date of displacement; and
- (b) 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 Article 31(1), the day on which the market value of the interest in question is agreed or finally determined.

(2A) Where the amount of the payment is to be determined in accordance with Article 31(1)—

- (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 paragraph (2)(a) and (b), 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 Article 31(1);
- (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 Article 30(2), that period shall be treated for the purposes of that paragraph 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 paragraph and paragraph (3A) 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 Article 30(2), that period (or that period as extended under paragraph (3)) shall be treated for the purposes of Article 30(2) as including any immediately preceding period, or successive periods, throughout which he satisfied the conditions mentioned in Article 30(2) in relation to another dwelling or, as the case may be, other dwellings (applying paragraph (3) to determine the length of any period or periods).”.

(3) In paragraph (4)(a) for the words “five years” there shall be substituted the words “one year”.

(4) In paragraph (5) for the words “paragraphs (3) and (4)” there shall be substituted the words “paragraphs (3) to (4)”.

(5) In paragraph (7) after the words “home loss payment” there shall be inserted the words “or discretionary payment” and after the word “required” there shall be inserted the words “or authorised”.