

Status: Point in time view as at 01/10/1996.

Changes to legislation: Housing Act 1985, Part II is up to date with all changes known to be in force on or before 21 July 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)

SCHEDULES

SCHEDULE 13

FURTHER PROVISIONS RELATING TO CONTROL ORDERS UNDER PART XI

PART II

COMPENSATION PAYABLE TO DISPOSSESSED PROPRIETOR

Rate of compensation

- 7 The compensation payable by the local housing authority to the dispossessed proprietor in pursuance of section 389(1)(a) shall be at an annual rate equal to
- [^{F1}(a) in a case where the gross value of the house was shown in the valuation list on the date a control order made before 1st April 1990 came into force,] one half of the gross value of the house multiplied by the appropriate multiplier [^{F2}in accordance with paragraphs 8 to 13; and
 - (b) in any other case, one half of the rental value of the house in accordance with paragraph 13A.]

Textual Amendments

- F1** Sch. 13 Pt. II para. 7(a) inserted by S.I. 1990/434, reg. 2, **Sch. para. 24(a)**
- F2** Words beginning “in accordance with” and Sch. 13 Pt. II para. 7(b) inserted by S.I. 1990/434, reg. 2, **Sch. para. 24(b)**

Ascertainment of gross value of house

- 8 Subject to the following provisions, the gross value of a house for the purposes of this Part of this Schedule is its gross value for rating purposes as shown in the valuation list on the date when the control order comes into force.
- 9 (1) If the house forms part only of a hereditament, the gross value of the house is such proportion of the gross value shown in the valuation list for that hereditament as may be agreed in writing between the local housing authority and the person claiming compensation.
- (2) If any dispute arises under sub-paragraph (1), the authority or the person claiming compensation may by means of a reference in writing submit the dispute for decision by the district valuer.

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- 10 If the house consists or forms part of more than one hereditament, the gross value shall be ascertained by determining the gross value of each hereditament or part as if it were a separate house and aggregating the gross values so determined.
- 11 (1) The gross value of a hereditament whose rateable value is by virtue of subsection (1) of section 19 of the ^{M1}General Rate Act 1967 to be taken to be its net annual value ascertained in accordance with subsections (2) to (4) of that section shall be taken to be its corresponding gross value, that is to say, the gross value which would be equivalent to the net annual value shown in the valuation list if there were deducted any amounts which by virtue of an order made or falling to be treated as made under section 19(2) of the General Rate Act 1967 would be deducted from the gross value of the hereditament if it had been required to be assessed to its gross value instead of its net annual value.
- (2) If more than one value is so ascertained to be the corresponding gross value, the highest value so ascertained shall be taken.

Modifications etc. (not altering text)

- C1** Sch. 13 Pt. II para. 11 restricted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 5\(1\), Sch. 3 para. 4](#)

Marginal Citations

- M1** 1967 c. 9.

- 12 Where after the date on which the control order comes into force—
- (a) the valuation list is altered so as to vary the gross value (or where paragraph 11 applies the net annual value) of the house or of the hereditament of which the house forms part, and
 - (b) the alteration has effect from a date before, or from the same date as, the control order came into force,
- compensation is payable as if the value shown in the list on the date when the control order came into force had been that shown in the list as altered.

The appropriate multiplier

- 13 (1) The appropriate multiplier for the purposes of this Part of this Schedule is that specified by order of the Secretary of State.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[^{F3} Calculation of rental value]

Textual Amendments

F3 Sch. 13 Pt. II para. 13A inserted by S.I. 1990/434, reg. 2, Sch. para. 25

- 13A (1) The rental value of a house is an amount equal to the rent at which the house might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and the landlord undertook to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the house in a state to command that rent.
- (2) The amount referred to in sub-paragraph (1) shall be determined by the local housing authority as at the date on which the control order comes into force; and any dispute arising in respect of that determination shall be referred in writing for decision by the district valuer.

Apportionment of compensation between proprietors of different parts of house

- 14 (1) If different persons are the dispossessed proprietors of different parts of the house, the compensation payable shall be apportioned between them according to the proportions of the gross value [^{F4}, or as the case may be, rental value] of the house properly attributable to the parts of the house in which they are respectively interested.
- (2) If they do not agree on the apportionment they shall refer the matter, in writing, for determination by the district valuer.

Textual Amendments

F4 Words inserted by S.I. 1990/434, reg. 2, Sch. para. 26

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