

2005 No. 1635

ACQUISITION OF LAND, ENGLAND

COMPENSATION, ENGLAND

**The Home Loss Payments (Prescribed Amounts)(England)
Regulations 2005**

<i>Made</i> - - - -	<i>14th June 2005</i>
<i>Laid before Parliament</i>	<i>23rd June 2005</i>
<i>Coming into force</i> - -	<i>1st September 2005</i>

The First Secretary of State, in exercise of the powers conferred upon him by section 30(5) of the Land Compensation Act 1973(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Home Loss Payments (Prescribed Amounts)(England) Regulations 2005 and shall come into force on 1st September 2005.

(2) These Regulations shall apply in relation to cases of displacement in England only.

Revision of prescribed amounts for home loss payment

2.—(1) This Regulation applies where the date of displacement is on or after the date on which these Regulations come into force.

(2) For the purposes of section 30(1) of the Land Compensation Act 1973—

(a) the prescribed maximum amount of home loss payment(b) shall be £38,000; and

(b) the prescribed minimum amount of home loss payment shall be £3,800.

(3) For the purposes of section 30(2) of the Land Compensation Act 1973 the prescribed amount of home loss payment shall be £3,800.

Revocation and savings

3.—(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts)(England) Regulations 2004(c) are revoked.

(a) 1973 c.26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (1991 c.34) from 25th September 1991 (S.I. 1991/2067). The functions of the Secretary of State under section 30(5) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; *see* the entry for the Land Compensation Act 1973 in Schedule 1 to the Order.

(b) for the definition of “home loss payment”, *see* section 29(1) of the Land Compensation Act 1973.

(c) S.I. 2004/1631.

(2) The Regulations mentioned in paragraph (1) shall continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force.

Signed by the authority of the First Secretary of State

14th June 2005

Yvette Cooper
Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase the amount of home loss payments payable under section 30 of the Land Compensation Act 1973 (“the Act”) and formerly prescribed in the Home Loss Payments (Prescribed Amounts)(England) Regulations 2004. A person is entitled to a home loss payment when he is displaced from a dwelling by compulsory purchase or in the other circumstances specified in section 29 of the Act as last amended by the Planning and Compulsory Purchase Act 2004.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner’s interest, the amount of home loss payment is calculated as a percentage of the market value of the interest, subject to a maximum and minimum amount.

Section 30(2) prescribes the amount of the home loss payment in any other case.

Regulation 2(2)(a) of these Regulations increases the amount payable under section 30(1) of the Act from £34,000 to £38,000 and regulation 2(2)(b) increases the minimum amount from £3,400 to £3,800. Regulation 2(3) increases the home loss payment under section 30(2) of the Act in any other case from £3,400 to £3,800.

These increases have been calculated by reference to the Office of the Deputy Prime Minister’s house price index and reflect an increase in line with house price inflation.

The revised amounts apply where the displacement occurs on or after 1st September 2005.

A full regulatory impact assessment has not been produced for these Regulations, as they have no impact on the costs of businesses, charities and voluntary bodies.

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