

2006 No. 1658

ACQUISITION OF LAND, ENGLAND

COMPENSATION, ENGLAND

**The Home Loss Payments (Prescribed Amounts) (England)
Regulations 2006**

<i>Made</i> - - - -	<i>21st June 2006</i>
<i>Laid before Parliament</i>	<i>28th June 2006</i>
<i>Coming into force</i> - -	<i>1st September 2006</i>

The Secretary of State, in exercise of the powers conferred 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 2006 and shall come into force on 1st September 2006.

(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 1st September 2006.

(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 £40,000; and

(b) the prescribed minimum amount of home loss payment shall be £4,000.

(3) For the purposes of section 30(2) of the Land Compensation Act 1973 the prescribed amount of home loss payment shall be £4,000.

(a) 1973 c.26. Section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (c. 34). 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.

Revocation and savings

3.—(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (England) Regulations 2005(a) are revoked.

(2) The Regulations mentioned in paragraph (1) shall continue to have effect in relation to a displacement occurring before 1st September 2006.

Signed by authority of one of her Majesty's Principal Secretaries of State

21st June 2006

Yvette Cooper
Minister of State
Department for Communities and Local Government

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"). 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.

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) specifies the amount of the home loss payment in any other case.

Regulation 2(2)(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £38,000 to £40,000 and regulation 2(2)(b) increases the minimum amount from £3,800 to £4,000.

Regulation 2(3) increases the home loss payment under section 30(2) of the Act from £3,800 to £4,000.

These increases have been calculated by reference to the Department for Communities and Local Government's house price index, which varies in line with changes to house prices.

The revised amounts apply where the displacement occurs on or after 1st September 2006.

Regulation 3 revokes, with savings, the Home Loss Payments (Prescribed Amounts) (England) Regulations 2005.

A full regulatory impact assessment has not been produced for these Regulations, as they put into effect an annual up-rating in line with house price inflation.

(a) S.I. 2005/1635.

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