



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART III

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

Special Cases

19 Outstanding right to compensation for refusal, etc. of planning permission.

- (1) Where, in the case of any compulsory acquisition, a planning decision or order has been made before the service of the notice to treat, and in consequence of the decision or order any person is entitled (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction by the Secretary of State under [F¹section 35 of the Town and Country Planning (Scotland) Act 1972]) to compensation for depreciation of the value of an interest in land which consists of or includes the whole or part of the relevant land, then if—

- (a) no notice stating that the compensation has become payable has been recorded before the date of service of the notice to treat (whether or not a claim for compensation has been made); but
- (b) such a notice is recorded on or after that date;

the compensation payable in respect of the compulsory acquisition shall be assessed as if the said notice had been recorded before the date of service of the notice to treat.

- (2) In this section any reference to compensation for depreciation of the value of an interest in land is a reference to compensation payable either—
- (a) under Part II or Part V of the ^{M¹}Town and Country Planning (Scotland) Act 1954 in respect of depreciation of the value of that interest, or
 - (b) under [F¹section 153 of the ^{M²}Town and Country Planning (Scotland) Act 1972], in respect of loss or damage consisting of depreciation of the value of that interest;

any reference to recording is a reference to recording in the appropriate Register of Sasines under section 29 (1) or under section 41 of the Town and Country Planning (Scotland) Act 1954, or under the provisions of the said section 29 (1) as applied

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 19. (See end of Document for details)

by section 48 of that Act; and “the relevant provisions”, in relation to compensation under the said Part II or the said Part V, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under ^[F1]section 153 of the Town and Country Planning (Scotland) Act 1972], means the provisions of regulations made under that Act with respect to claims for compensation under that subsection.

Textual Amendments

- F1** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [Sch. 22 Pt. I para. 2](#)

Modifications etc. (not altering text)

- C1** References to [Town and Country Planning \(Scotland\) Act 1954 \(c. 73\)](#), [Pt. II](#) (except reference to provisions of Pt. II as applied by Pt. V) and s. 41 and the first reference to *ibid.*, s. 29(1) to be construed as references to [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [Pt. VII](#) and ss. 155 and 147(4) respectively

Marginal Citations

- M1** 1954 c. 73.
M2 1972 c. 52.

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