



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

[^{F1}PART V

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

[^{F1F2}31 Compensation where planning decision made after acquisition.

(1) Where—

- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of ten years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and
- (b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

- (2) The amount referred to in subsection (1)(b) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date if—
 - (a) the planning decision mentioned in subsection (1)(a) of this section had been made before that date; and
 - (b) the permission granted by it had been in force on that date.
- (3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates to land acquired by the acquiring authority, whether compulsorily or by agreement—

Changes to legislation: *There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 31. (See end of Document for details)*

- (a) under section 142 or 143 of the Local Government, Planning and Land Act 1980 (acquisitions by urban development corporations and by roads authorities in connection with urban development areas);
 - (b) under the New Towns (Scotland) Act 1968 (acquisitions by development corporations and by roads authorities in connection with new town areas); or
 - (c) where the compulsory purchase order included a direction under [F3 section 45 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] (minimum compensation in case of listed building deliberately left derelict).
- (4) If—
- (a) in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section; but
 - (b) before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person,
- the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.
- (5) Compensation under this section shall carry interest at the rate prescribed under section 40 of this Act from the date of the planning decision in question until payment.
- (6) The provisions of Part II of this Act (so far as applicable) shall apply (subject to the following provisions) in relation to the assessment of compensation under this section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.]

Textual Amendments

- F1** Pt. V (ss. 31-37) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.1](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)
- F2** Pt. V (ss. 31-37) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para. 1](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)
- F3** Words in s. 31(3)(c) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 9\(5\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 31.