
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 3

APPLICATION OF PART V TO CERTAIN CASES

PART I

Disturbance, severance and injurious affection

- 1 Subject to paragraph 2 of this Schedule, any reference in section 31 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.
- 2 If the person entitled to the compensation under the said section 31—
- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in land held with the land acquired or purchased ; but
 - (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land ;
- any reference in the said section 31 to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

- 3 In determining for the purposes of the said section 31 the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—
- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 14 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land ; but
 - (b) at the time of the planning decision the person entitled to the compensation under the said section 31 is not entitled to the said interest or is entitled thereto only as respects part of the contiguous or adjacent land,
- the amount specified in the said subsection (2) and the principal amount or purchase price mentioned in the said subsection (1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed, or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part thereof.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Land subject to a heritable security

- 4 Subject to the provisions of this Schedule relating to land subject to a trust, where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 33 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to 'the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.
- 5 For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the last preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of 'the compensation which would have been payable if the interest in question had not been subject to a heritable security.
- 6 No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement, where the interest acquired or sold was .the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

Land subject to a trust

- 7 (1) Where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a trust, and accordingly the compensation or purchase price was payable to the trustees of that trust, any reference (however expressed) in section 31 or section 33 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the trust.
- (2) Where the preceding sub-paragraph applies, section 31(4) of this Act shall not apply.
- (3) Any compensation paid to the trustees of a trust by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.