



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART III

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

13 Disregard of actual or prospective development in certain cases.

- (1) Subject to section 15 of this Act, no account shall be taken of any increase or diminution in the value of the relevant interest which, in the circumstances described in any of the paragraphs in the first column [^{F1}of Part I] of Schedule 1 to this Act, is attributable to the carrying out, or the prospect, of so much of the development mentioned in relation thereto in the second column [^{F1}of Part I] of that Schedule as would not have been likely to be carried out if—
- (a) (where the acquisition is for purposes involving development of any of the land authorised to be acquired) the acquiring authority had not acquired and did not propose to acquire any of that land; and
 - (b) (where the circumstances are those described in one or more of paragraphs 2 to [^{F2}4A] in the said first column [^{F1}of Part I]) the area or areas referred to in that paragraph or those paragraphs had not been defined or designated as therein mentioned or (in a case falling within paragraph 4) if the scheme therein mentioned had not come into operation.
- (2) In determining whether the relevant land forms part of such an area as is mentioned in paragraph 3 of Schedule 1,—
- (a) in the case of an area designated as the site of a new town by an order which became operative on or before 29th October, 1958, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded;
 - (b) in the case of an area designated as the site of a new town by an order which became operative after the said 29th October, whether before or after the

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passing of this Act, regard shall be had to the order in its original form, and any variation of the order shall be disregarded.

[^{F3}(2A) The provisions of Part II of Schedule 1 to this Act shall have effect with regard to paragraphs 3 and 3A of Part I of that Schedule][^{F4}and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A.]

(3) In this section and in Schedule 1 to this Act—

“the land authorised to be acquired”—

- (a) in relation to a compulsory acquisition authorised by a compulsory purchase order or a special enactment, means the aggregate of the land comprised in that authorisation, and
- (b) in relation to a compulsory acquisition not so authorised but effected under powers exercisable by virtue of any enactment for defence purposes, means the aggregate of the land comprised in the notice to treat and of any land contiguous or adjacent thereto which is comprised in any other notice to treat served under the like powers not more than one month before and not more than one month after the date of service of that notice;

“defence purposes” has the same meaning as in the ^{M1}Land Powers (Defence) Act 1958;

and any reference to development of any land shall be construed as including a reference to the clearing of that land.

Textual Amendments

- F1** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), Sch. 25 Pt. IV para. 9\(2\)\(a\)\(3\)](#) except where a notice to treat has been served before 13.11.1980
- F2** Word substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 145\(5\)\(a\)](#)
- F3** [S. 13\(2A\)](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), Sch. 25 Pt. IV para. 9\(2\)\(b\)\(3\)](#) except where a notice to treat has been served before 13.11.1980
- F4** Words added by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 145\(5\)\(b\)](#)

Modifications etc. (not altering text)

- C1** [S. 13](#) excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56\), s. 6\(3\)](#); modified by [Land Compensation \(Scotland\) Act 1973 \(c. 56\), s. 47\(2\)](#)

Marginal Citations

- M1** 1958 c. 30.

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