



# Land Compensation (Scotland) Act 1963

## 1963 CHAPTER 51

### PART III

#### PROVISIONS DETERMINING AMOUNT OF COMPENSATION

##### *Special Cases*

#### **20 Consideration in respect of discharge of feu-duty, etc.**

- (1) Subject to the provisions contained in section 32 of this Act relating to increased compensation in cases falling under section 31 of this Act, the aggregate amount of the consideration payable under section 108 of the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845 in respect of the discharge from all relevant prestations of land <sup>F1</sup>... which has been acquired (whether compulsorily or by agreement) by an authority possessing compulsory purchase powers, shall be an amount equal to the difference between—
  - (a) the amount of the compensation payable in respect of the acquisition of <sup>F1</sup>... the land, and
  - (b) the amount of the compensation which would have been so payable if the land had not been subject to any relevant prestation.
- (2) Any reference in this section to a “relevant prestation” is a reference to any <sup>F2</sup>... annual or recurring payment or incumbrance (or any portion thereof), to which the said section 108 applies <sup>F2</sup>....
- (3) Where the [<sup>F3</sup>land] has been acquired by agreement it shall be assumed for the purpose of estimating the amounts referred to in subsections (1)(a) and (1) (b) of this section that it was acquired compulsorily in pursuance of a notice to treat served on the date of the making of the agreement.
- (4) If the land is subject to only one relevant prestation the amount of the consideration in respect of the discharge of the land from that prestation shall be equal to the aggregate amount of the consideration.

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*Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 20. (See end of Document for details)*

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- (5) If the land is subject to two or more relevant prestations the market value of each such prestation immediately before the service of the notice to treat or, as the case may be, the making of the agreement, shall be estimated and the aggregate amount of the consideration shall be attributed to the discharge of the land from the relevant prestations in order of priority, so however that so much thereof as is attributed to the discharge of the land from any prestation shall (without prejudice to the next following subsection) not exceed the value, estimated as aforesaid, of that prestation.
- (6) If, after giving effect to the provisions of the last preceding subsection in any case to which they apply, there remains an unattributed balance of the aggregate amount of the consideration, the amounts attributed in accordance with those provisions shall be increased proportionately so as to extinguish the balance.
- (7) Subject to the next following subsection references in this section to the compensation payable in respect of the acquisition of the<sup>F4</sup>... land shall be construed as references to such compensation exclusive of any compensation for disturbance or for severance or injurious affection.
- (8) In relation to the acquisition of<sup>F4</sup>... any land to which Rule (5) of section 12 of this Act applies, references in this section to the compensation payable in respect of the acquisition shall be construed as references to the compensation (exclusive of any compensation for disturbance or for severance or injurious affection) which would have been so payable if the said Rule (5) had not applied.

#### Textual Amendments

- F1** Words in s. 20(1) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 25(3)(a), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in s. 20(2) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 25(3)(b), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Word in s. 20(3) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), **Sch. 12 para. 25(3)(c)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F4** Words in s. 20(7)(8) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 25(3)(d), (e), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

#### Modifications etc. (not altering text)

- C1** S. 20 excluded by [Land Tenure Reform \(Scotland\) Act 1974](#) (c. 38), **s. 6(2)(c)(4)**

#### Marginal Citations

- M1** 1845 c. 19.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 20.