



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

[^{F1}PART V

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

[^{F1F2}34 Extension to Crown development.

(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 there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and
- (b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required,

the provisions of sections 31 and 32(1) of this Act shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The circumstances referred to in subsection (1) of this section are either or both of the following—

- (a) that the development is initiated by or on behalf of the Crown;
- (b) that there is a Crown interest in the land and the development is initiated in right of that interest.

(3) Where—

- (a) the provisions of section 31 of this Act have effect as applied by subsection (1) of this section in relation to the initiation of any development; and
- (b) before the development is initiated a person who (under section 32(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority,

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 34. (See end of Document for details)

it shall, subject to subsections (4) and (5) of this section, be the duty of the acquiring authority to give notice in the prescribed form of the initiation of the development to the person mentioned in paragraph (b) of this subsection at the address given by him to the authority.

(4) Where—

- (a) by virtue of subsection (3) of this section, it is the duty of a government department to give notice of development initiated by or on behalf of that department; and
- (b) the Minister in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate,

the department shall give notice of development, but shall not be required to give any particulars of the nature of the development except to the extent specified in the certificate.

(5) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in section 32(1)(a) of this Act if—

- (a) an address for service has been given to them by such a person as is mentioned in section 32(1)(b) of this Act; and
- (b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act.

(6) A claim for compensation under section 31 of this Act in respect of the initiation of any development shall not have effect if made more than six months after the following date, that is to say—

- (a) if the claim is made by a person to whom notice has been given under subsection (3) of this section, the date on which the notice was given;
- (b) in any other case, the time the development is initiated.

(7) In this section “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department.]

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](#)

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