



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

^{F1}PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Textual Amendments

F1 Pt. VII (ss. 123-152) except s. 145 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7)(8), 84(6), **Sch. 19 Pt. IV** (with s.84(5)); S.I. 1991/2092, **art.3**

Unexpended balance of established development value

^{F2}**123**

Textual Amendments

F2 S. 123 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7)(8), 84(6), **Sch. 19, Pt. IV** (with s. 84(5)); S.I. 1991/2092, **art.3**

^{F3}**124**

Textual Amendments

F3 S. 124 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7)(8), 84(6), **Sch. 19, Pt. IV** (with s. 84(5)); S.I. 1991/2092, **art.3**

Status: Point in time view as at 25/09/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part VII. (See end of Document for details)

F4 125

Textual Amendments

F4 s. 125 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F5 126

Textual Amendments

F5 S. 126 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F6 127

Textual Amendments

F6 S. 127 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F7 128

Textual Amendments

F7 S. 128 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F8 129

Textual Amendments

F8 S. 129 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F9 130

Textual Amendments

F9 S. 130 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

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^{F10} **131**

Textual Amendments

F10 S. 131 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

^{F11} **132**

Textual Amendments

F11 S. 132 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

^{F12} **133**

Textual Amendments

F12 S. 133 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

^{F13} **134**

Textual Amendments

F13 S. 134 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

Right to compensation

^{F14} **135**

Textual Amendments

F14 S. 135 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1991/2092, **art.3**

^{F15} **136**

Status: Point in time view as at 25/09/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part VII. (See end of Document for details)

Textual Amendments

F15 S. 136 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F16 **137**

Textual Amendments

F16 s. 137 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F17 **138**

Textual Amendments

F17 S. 138 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F18 **139**

Textual Amendments

F18 S. 139 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1991/2092, **art.3**

F19 **140**

Textual Amendments

F19 S. 140, 154(4), 158(5), 174, 180(2) repealed by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(2), **Sch. 12 Pt. IV**

Measure of compensation

F20 **141**

Textual Amendments

F20 S. 141 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, **art.3**

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^{F21}142

Textual Amendments

F21 S. 142 repealed (25. 9. 1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), [ss. 60\(1\)\(7\)\(8\), 84\(6\)](#), Sch. 19, Pt.IV (with s. 84(5)); S.I. 1991/2092, [art.3](#)

Claims for, and payment of, compensation

^{F22}143

Textual Amendments

F22 S. 143 repealed (25. 9. 1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), [ss. 60\(1\)\(7\)\(8\), 84\(6\)](#), [Sch. 19](#), Pt.IV (with s. 84(5)); S.I. 1991/2092, [art.3](#)

^{F23}144

Textual Amendments

F23 S. 144 repealed (25. 9. 1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), [ss. 60\(1\)\(7\)\(8\), 84\(6\)](#), [Sch. 19](#), Pt.IV (with s. 84(5)); S.I. 1991/2092, [art.3](#)

145 Determination of claims.

- (1) Provision shall be made by regulations under this section—
- (a) for requiring claims for compensation under ^{F24} . . . this Act to be determined by the Secretary of State in such manner as may be prescribed by the regulations;
 - (b) for regulating the practice and procedure to be followed in connection with the determination of such claims;
 - (c) for requiring the Secretary of State, on determining any such claim, to give notice of his determination to the claimant, and to every other person (if any) who has made, and not withdrawn, a claim for compensation under ^{F24} . . . this Act in respect of the same planning decision, and, if his determination includes an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land appearing to the Secretary of State to be an interest substantially affected by the apportionment.
 - [^{F25}(d) for requiring the Secretary of State to pay any compensation determined under this section to the person entitled thereto.]
- (2) Subject to subsection (3) of this section, provision shall be made by regulations under this section—
- (a) for enabling the claimant or any other person to whom notice of the Secretary of State’s determination has been given in accordance with subsection (1) of this section, if he wishes to dispute the determination, and any other person

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to whom particulars of an apportionment included in that determination have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require the determination, or, as the case may be, the apportionment, to be referred to the Lands Tribunal;

- (b) for enabling the claimant and every other person to whom notice of any determination or apportionment has been given as mentioned in paragraph (a) of this subsection to be heard by the Tribunal on any reference under this section of that determination or apportionment, as the case may be; and
- (c) for requiring the Tribunal, on any such reference, either to confirm or to vary the Secretary of State’s determination or the apportionment, as the case may be, and to notify the parties of the decision of the Tribunal.

(3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment, and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

Textual Amendments

- F24** Words in s. 145(1) omitted (25. 9. 1991) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13](#), para. 28(a); S.I. 1991/2092, [art.3](#)
- F25** S. 145(1)(d) inserted (25. 9. 1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13](#), para. 28(b), with s. 84(5); S.I. 1991/2092, [art.3](#)

^{F26} **146**

Textual Amendments

- F26** S. 146 repealed (25. 9. 1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), ss. 60(1)(7) (8), 84(6), [Sch. 19](#), Pt.IV (with s. 84(5)); S.I. 1991/2092, [art.3](#), [Sch. 1](#)

Subsequent recovery of compensation

^{F27} **147**

Textual Amendments

- F27** S. 147 repealed (25. 9. 1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), ss. 60(1)(7) (8), 84(6), [Sch. 19](#), Pt.IV (with s. 84(5)); S.I. 1991/2092, [art.3](#)

^{F28} **148**

Status: Point in time view as at 25/09/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part VII. (See end of Document for details)

Textual Amendments

F28 S. 148 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, art.3, **Sch. 1**

F29 **149**

Textual Amendments

F29 S. 149 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, art.3, **Sch. 1**

F30 **150**

Textual Amendments

F30 S. 150 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(2)(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092, art.3, **Sch. 1**

Supplementary provisions

F31 **151** .
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Textual Amendments

F31 S. 151 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1991/2092, art.3, **Sch. 1**

F32 **152**

Textual Amendments

F32 S. 152 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(1)(7) (8), 84(6), **Sch. 19**, Pt.IV (with s. 84(5)); S.I. 1991/2092. art.3, **Sch. 1**

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