



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART XIII

FINANCIAL PROVISIONS

Recovery of compensation etc.

244 Recovery from acquiring authorities of sums paid by way of compensation

- (1) Where an interest in land is compulsorily acquired, or is sold to an authority possessing compulsory purchase powers, and any of the land comprised in the acquisition or sale is land in respect of which a notice to which this section applies is recorded (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 147(5) of this Act) is to be treated as attributable to that land.
- (2) This section applies to notices recorded under subsection (4) of section 147 of this Act and to notices recorded under the provisions of that subsection as applied by section 155(5) of this Act
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land comprised therein to which a person other than the acquiring authority is entitled, the sum referred to in subsection (1) of this section shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.

- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) Where by virtue of the preceding provisions of this section the Secretary of State recovers a sum in respect of any land, by reason that it is land in respect of which a notice is recorded under the provisions of section 147(4) of this Act as applied by section 155 of this Act, section 157(2) and (3) of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in section 157(2) of this Act.

245 Recovery from acquiring authorities of sums paid in respect of war-damaged land

- (1) Where an interest in land is compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers, and a payment exceeding £20 has become or becomes payable under section 56 of the Act of 1947 in respect of that interest, the Secretary of State shall, subject to the following provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.
- (2) If, before 18th November 1952, operations were begun in, on, over or under the land, or a use of the land was instituted, being operations or a use—
 - (a) in respect of which a development charge has at any time been determined to be payable, or it has at any time been determined that no development charge was payable; or
 - (b) comprised in a scheme of development exempt from development charge,subsection (1) of this section shall not apply to so much of any payment referred to in that subsection as was attributable to any land in relation to which the determination was made or, as the case may be, which is included in that scheme of development.
- (3) No amount shall be recoverable under this section in respect of any land in relation to which an amount has become recoverable by the Secretary of State under the provisions of section 148 of this Act as applied by section 264 of this Act.
- (4) If the acquisition or sale in question does not extend to the whole of the land to which the payment under the said section 56 related, the amount recoverable under this section shall be so much of that payment as, in accordance with subsection (5) of this section, is to be treated as apportioned to the land in which the interest acquired or sold subsists
- (5) For the purposes of this section a payment under section 56 of the Act of 1947 shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under that section, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between different parts of that land.
- (6) In this section references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before 18th November 1952, all those operations and uses would have been exempt from the provisions of Part VI of the Act of 1947 by virtue of regulations made thereunder; and references to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.

246 Sums recoverable from acquiring authorities reckonable for purposes of grant

Where a sum is recoverable from an authority under section 244 or 245 of this Act by reference to an acquisition or purchase of an interest in land, and in respect thereof, or of a subsequent appropriation of the land, a grant became or becomes payable to that or some other authority under an enactment, (the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.