



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART VII

#### COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

##### *Unexpended balance of established development value*

#### **131 Reduction or extinguishment of balance on acquisition of land under compulsory powers**

(1) Where in the case of—

- (a) a compulsory acquisition to which this section applies; or
- (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

any of the land in which the interest acquired or sold subsists or subsisted has or had an unexpended balance of established development value immediately before the relevant date (in this section referred to as " the relevant balance ") the following provisions of this section shall have effect for the purpose of determining whether that land or any part thereof has or had an unexpended balance of established development value at any subsequent time.

(2) This section applies—

- (a) to every compulsory acquisition of an interest in land in pursuance of a notice to treat served on or after 30th October 1958, whether before or after the commencement of this Act; and
- (b) to every compulsory acquisition of an interest in land, in pursuance of a notice to treat served on or after 1st January 1955 but before the said 30th October, by an authority possessing compulsory purchase powers, being at that time a government department or local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act 1919, or a person or

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*Status: This is the original version (as it was originally enacted).*

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body of persons to whom that Act applied as it applied to such a department or authority.

- (3) Unless, immediately after the acquisition or sale, there is or was outstanding some interest (other than an excepted interest) in the land to which some person other than the acquiring authority is or was entitled, the original unexpended balance of established development of that land shall be treated as having been extinguished immediately before the subsequent time referred to in subsection (1) of this section.
- (4) If, immediately after the acquisition or sale, there is or was such an outstanding interest (other than an excepted interest) as is mentioned in subsection (3) of this section, there shall be deducted from the said original balance an amount equal to any part of the relevant balance which is or was not attributable to any such outstanding interest, and the original unexpended balance of established development value of the land or the part thereof in question shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.
- (5) For the purposes of this section any question as to the portion of the relevant balance which is or was attributable to an interest in land—
  - (a) in relation to a compulsory acquisition to which this section applies, shall be determined in accordance with the provisions of Schedule 1S to this Act; and
  - (b) in relation to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be determined in accordance with the provisions of that Schedule as those provisions would apply if the sale had been a compulsory acquisition in pursuance of a notice to treat served on the relevant date.
- (6) Any reference in this section or in section 132 of this Act to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which this section applies is a reference to a sale thereof—
  - (a) to an authority possessing compulsory purchase powers, in pursuance of a contract made on or after 30th October 1958, whether before or after the commencement of this Act; or
  - (b) to such an authority possessing compulsory purchase powers as is mentioned in subsection (2)(b) of this section, in pursuance of a contract made on or after 1st January 1955 but before the said 30th October.
- (7) In this section " the relevant date " means the date of service of the notice to treat or the date of the contract in pursuance of which the interest was sold, as the case may be, and " excepted interest " means the interest of any such person as is mentioned in section 114 of the Lands Clauses Consolidation (Scotland) Act 1845 (which relates to persons having no greater interest than as tenant for a year or from year to year).