



# Land Compensation (Scotland) Act 1973

## 1973 CHAPTER 56

### PART II

#### MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

##### *Powers of authorities responsible for other public works*

#### **24 Acquisition of land in connection with public works.**

- (1) Subject to the provisions of this section, a responsible authority may acquire land by agreement for the purpose of mitigating any adverse effect which the existence or use of any public works has or will have on the surroundings of the works.
- (2) Subject to the provisions of this section, a responsible authority may acquire by agreement—
  - (a) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or alteration of any public works;
  - (b) land the enjoyment of which is seriously affected by the use of any public works,

if the interest of the [<sup>F1</sup>seller] is of the kind mentioned in section 20(2) above.

<sup>F2</sup>[(2A) Where the responsible authority—

- (a) propose to carry out works on land to which this subsection applies for the construction or alteration of any public works, and
- (b) are, in relation to the land, the appropriate authority,

they may, subject to the provisions of this section, acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the public works if the interest of the seller is an interest such as is mentioned in [<sup>F3</sup>section 100(2) (interests qualifying for protection under blight provisions) of the Town and Country Planning (Scotland) Act 1997].

- (2B) Subsection (2A) above applies to any land such as is mentioned in [<sup>F4</sup>Schedule 14 to the said Act of 1997].

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- (2C) In this section—  
 “appropriate authority” has the meaning given in section 194(1) of the said Act.]
- (3) The powers conferred by subsection (2)(b) above shall not be exercisable unless the date on which the public works or, as the case may be, the altered public works, are first used falls on or after 17th October 1971 and the powers conferred by subsections (1) and (2)(a) above shall not be exercisable unless that date falls on or after 17th October 1972; and—
- (a) if that date falls not later than one year after 23rd May 1973—
- (i) the powers conferred by subsections (1) and (2)(b) above shall not be exercisable unless the acquisition is begun before the end of one year after 23rd May 1973 or one year after that date, whichever ends later;
- (ii) the powers conferred by subsection (2)(a) above shall not be exercisable unless the acquisition is begun before the end of one year after 23rd May 1973;
- (b) if that date falls more than one year after 23rd May 1973—
- (i) the powers mentioned in paragraph (a)(i) above shall not be exercisable unless the acquisition is begun before the end of one year after that date;
- (ii) the powers mentioned in paragraph (a)(ii) above shall not be exercisable unless the acquisition is begun before that date.
- (4) For the purposes of subsection (3) above the acquisition of any land shall be treated as begun when the agreement for its acquisition is made.
- (5) This section applies only where the responsible authority have statutory powers to acquire land (whether compulsorily or by agreement) for the purposes of their functions but would not, apart from this section, have power to acquire land as mentioned in subsections (1), [F5(2) and (2A)] above.
- (6) In this section “public works” and “responsible authority” have the same meaning as in section 1 above except that “public works” does not include a road or any works forming part of a statutory undertaking as defined in [F6section 214 of the Town and Country Planning (Scotland) Act 1997][F7or authorised by an order under section 1 of the Transport and Works (Scotland) Act 2007] .

#### Textual Amendments

- F1** Word in s. 24(2) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 79, [Sch. 17, Pt. II, para. 19\(a\)](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)
- F2** S. 24(2A)-(2C) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 76(1) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)
- F3** Words in s. 24(2A) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 21\(3\)\(a\)](#)
- F4** Words in s. 24(2B) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 21\(3\)\(b\)](#)
- F5** Words in s. 24(5) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 79, [Sch. 17, Pt. II para. 19\(b\)](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)
- F6** Words in s. 24(6) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 21\(3\)\(c\)](#)
- F7** Words in s. 24(6) added (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), ss. 19(7)(a), 30(4); S.S.I. 2007/516, [art. 2](#)

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*Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Cross Heading: Powers of authorities responsible for other public works. (See end of Document for details)*

## **25 Execution of works etc. in connection with public works.**

- (1) A responsible authority may carry out—
  - (a) if they have power to acquire land under section 24 above, on any land acquired by them under that section;
  - (b) on any other land belonging to them,works for mitigating any adverse effect which the construction, alteration, existence or use of any public works has or will have on the surroundings of the works.
- (2) Without prejudice to the generality of subsection (1) above, the works that may be carried out under that subsection include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.
- (3) A responsible authority may—
  - (a) develop or redevelop any land acquired by them under section 24 above, or any other land belonging to them, for the purpose of improving the surroundings of public works in any manner which they think desirable by reason of the construction, alteration, existence or use of the works;
  - (b) dispose of any land acquired by them under section 24 above.
- (4) This section applies only where the responsible authority are a body incorporated by or under any enactment and has effect only for extending the corporate powers of any such authority.
- (5) In this section “public works” and “responsible authority” have the same meaning as in section 1 above except that “public works” does not include a road [<sup>F8</sup>or any works authorised by an order under section 1 of the Transport and Works (Scotland) Act 2007] .

### **Textual Amendments**

**F8** Words in s. 25(5) added (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 19(7)(b)**, 30(4); S.S.I. 2007/516, art. 2

**Status:**

Point in time view as at 28/12/2007.

**Changes to legislation:**

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