



# Land Compensation (Scotland) Act 1973

## 1973 CHAPTER 56

### PART VI

#### SUPPLEMENTARY PROVISIONS

#### **78 Application to Crown**

- (1) Part I of this Act does not apply to any aerodrome in the occupation of a government department but, subject to that, references in that Part and in Part II of this Act to public works and responsible authorities include references to any works or authority which, apart from any Crown exemption, would be public works or a responsible authority.
- (2) Parts III and IV of this Act apply in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments being authorities possessing compulsory purchase powers, as they apply in relation to the acquisition of interests in land by such authorities who are not government departments.

#### **79 Financial provisions**

There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred under this Act by any government department;
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

#### **80 General interpretation**

- (1) In this Act—

" agriculture ", " agricultural " and " agricultural land " have the meaning given in section 86 of the Agriculture (Scotland) Act 1948, and references to the farming of land include references to the carrying on in relation to the land of any agricultural activities;

" agricultural holding " has the meaning given in section 1 of the Agricultural Holdings (Scotland) Act 1949 and " landlord ", " tenant " and "

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*Status: This is the original version (as it was originally enacted).*

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notice to quit", in relation to an agricultural holding, have the same meaning as in that Act;

" agricultural unit " has the meaning given in section 196(1) of the Town and Country Planning (Scotland) Act 1972;

" acquiring authority " and " authority possessing compulsory purchase powers " have the same meaning as in the Land Compensation (Scotland) Act 1963;

" aerodrome " has the meaning given in section 63(1) of the Civil Aviation Act 1949 ;

" cottar " has the same meaning as in section 28(4) of the Crofters (Scotland) Act 1955 ;

" croft ", " crofter " and " landlord ", in relation to a croft, have the same meanings respectively as in the Crofters (Scotland) Act 1955;

" disabled person " means a person in need under section 12 of the Social Work (Scotland) Act 1968 as read with section 1 of the Chronically Sick and Disabled Persons (Scotland) Act 1972;

" dwelling " means a building or part of a building occupied or (if not occupied) last occupied or intended to be occupied as a private house, and (except in section 27) includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that building or part;

" heritable security " means any security capable of being constituted over any interest in land by a disposition or assignation of that interest in security of any debt and of being recorded in the Register of Sasines;

" holding", in relation to a landholder and a statutory small tenant, has the same meaning as in section 2(1) of the Small Landholders (Scotland) Act 1911 and " landlord ", in relation to such a holding, has the same meaning as in the Agricultural Holdings (Scotland) Act 1949;

" landholder " has the same meaning as in section 2(2) of the Small Landholders (Scotland) Act 1911;

" Lands Tribunal " means the Lands Tribunal for Scotland;

" owner " has the same meaning as in section 45(1) of the Land Compensation (Scotland) Act 1963 ;

" road " has the meaning assigned to it in the Roads (Scotland) Act 1970;

" statutory small tenant " has the same meaning as in section 32(1) of the Small Landholders (Scotland) Act 1911.

- (2) Sections 20 to 23 above shall be construed as one with the Roads (Scotland) Act 1970.
- (3) Except where the context otherwise requires, references in this Act to any enactment are references to that enactment as amended, and include references to that enactment as extended or applied, by any other enactment, including this Act.

## **81 Repeal of Land Compensation Act 1973 in relation to Scotland and reprinting of Act as it applies to England and Wales**

- (1) The Land Compensation Act 1973 (except section 86 and Schedule 3) shall cease to apply to Scotland and accordingly—
- (a) the provisions of that Act specified in Part I of Schedule 2 to this Act are hereby repealed ; and
  - (b) the provisions of that Act specified in Part II of that Schedule shall be amended as there mentioned.

- (2) A copy of the said Act omitting the provisions repealed as aforesaid and incorporating the amendments mentioned in the said Schedule shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament; and any copy of that Act to be printed by Her Majesty's printer after the passing of this Act shall be printed in accordance with the copy so certified and marked with a statement to the effect that in pursuance of this section it is printed with the omissions and amendments required by this section.

## **82 Savings and transitional**

- (1) Notwithstanding the repeal of the Land Compensation Act 1973, in so far as anything done under that Act could have been done under a corresponding provision in this Act, it shall have effect as if done under that provision.
- (2) Notwithstanding the repeal of the said Act, section 3 of that Act (claims) shall have effect in relation to offences committed thereunder before the passing of this Act.
- (3) The inclusion in this section of any express savings shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).
- (4) Section 44 above does not affect any compensation which fell or falls to be assessed by reference to prices current on a date before 23rd May 1973, and the other provisions of Part IV of this Act relating to the assessment of compensation do not affect any compensation which fell or falls to be assessed by reference to prices current on a date before 17th October 1972.

## **83 Short title and extent**

- (1) This Act may be cited as the Land Compensation (Scotland) Act 1973.
- (2) This Act, except section 81 and Schedule 2, extends to Scotland only.