



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Disturbance payments

35 Amount of disturbance payment.

- (1) The amount of a disturbance payment shall be equal to—
 - (a) the reasonable expenses of the person entitled to the payment in removing from the land from which he is displaced; and
 - (b) if he was carrying on a trade or business on that land, the loss he will sustain by reason of the disturbance of that trade or business consequent upon his having to quit the land.
- (2) In estimating the loss of any person for the purposes of subsection (1)(b) above, regard shall be had to the period for which the land occupied by him may reasonably have been expected to be available for the purposes of his trade or business and to the availability of other land suitable for that purpose.

This subsection has effect subject to section 43(7) below.

- (3) Where the displacement is from a dwelling in respect of which structural modifications have been made for meeting the special needs of a disabled person (whether or not the person entitled to the disturbance payment) then, if—
 - (a) a local authority having duties under section 12 of the ^{M1}Social Work (Scotland) Act 1968 [^{F1}or section 23 of the Children (Scotland) Act 1995], provided assistance, or
 - (b) such an authority would, if an application had been made, have provided assistance,

for making those modifications, the amount of the disturbance payment shall include an amount equal to any reasonable expenses incurred by the person entitled to the payment in making, in respect of a dwelling to which the disabled person removes,

Changes to legislation: *There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 35. (See end of Document for details)*

comparable modifications which are reasonably required for meeting the disabled person's special needs.

- (4) Any dispute as to the amount of a disturbance payment shall be referred to and determined by the Lands Tribunal.

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Textual Amendments

F1 Words in s. 35(3)(a) inserted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 21(2)** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**

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Marginal Citations

M1 1968 c. 49.

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