



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Rehousing

36 Duty to rehouse residential occupiers.

- (1) Where a person is displaced from residential accommodation on any land in consequence of—
- (a) the acquisition of the land by an authority possessing compulsory purchase powers;
 - (b) the making, passing or acceptance of a housing order, resolution or undertaking in respect of a house or building on the land;
 - (c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of [^{F1}any improvement to a house or building on the land or of] redevelopment on the land,
 - [^{F2}(d) a requirement to remove the building containing the residential accommodation in pursuance of [^{F3}section 29] of the ^{M1}Building (Scotland) Act [^{F4}2003 (asp 8)] (dangerous buildings), or any other enactment which requires the demolition of the building on account of its condition,]

and suitable alternative residential accommodation on reasonable terms is not otherwise available to that person, then, subject to the provisions of this section, it shall be the duty of the relevant authority to secure that he will be provided with such other accommodation.

- (2) Subsection (1) above shall not by virtue of paragraph (a) thereof apply to a person if the acquisition is in pursuance of the service by him of a blight notice within the meaning of [^{F5}section 100 of the Town and Country Planning (Scotland) Act 1997].

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 36. (See end of Document for details)

- (3) Subsection (1) above shall not apply to any person who is a trespasser on the land or who has been permitted to reside in any house or building on the land pending its demolition [^{F6}or improvement].
- (4) Subsection (1) above shall not apply to any person to whom money has been advanced—
- (a) under section 38 below;
 - (b) under the Small Dwellings Acquisition (Scotland) Acts 1899 to 1923 or section 49 of the ^{M2}Housing (Financial Provisions) (Scotland) Act 1968 ^{F7}...; or
 - (c) by a development corporation otherwise than under section 38 below,
- for the purpose of enabling him to obtain accommodation in substitution for that from which he is displaced as mentioned in that subsection.
- (5) Subsection (1)(a) above shall not apply to any acquisition of land in relation to which the Secretary of State has before 23rd May 1973 decided under paragraph 1 of Schedule 8 to the ^{M3}Housing (Scotland) Act 1966 that a housing scheme is not necessary.
- (6) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition [^{F8}improvement] or redevelopment as is mentioned in paragraph (a) or (c) of that subsection unless he was residing in the accommodation in question—
- (a) in the case of land acquired under a compulsory purchase order, at the time when notice was first published of the making of the order prior to its submission for confirmation or, where the order did not require confirmation, of the preparation of the order in draft;
 - (b) in the case of land acquired under an Act specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for the Act specifying the land were first published;
 - (c) in the case of land acquired by agreement, at the time when the agreement was made;
- and a person shall not be treated as displaced in consequence of any such order, resolution [^{F9}undertaking or requirement as is mentioned in paragraph (b) or (d)] of that subsection unless he was residing in the accommodation in question at the time when the order was made, the resolution was passed [^{F9}the undertaking was accepted or he was required to remove.]
- (7) Subject to subsection (8) below, “the relevant authority” for the purposes of this section is the local authority having functions in relation to the district where the land is situated under Part [^{F10}] of the ^{M4}Housing (Scotland) Act [^{F10}1987].
- (8) Where the land is in an area designated as the site of a new town—
- (a) paragraph (c) of subsection (1) above shall apply if the land on which the redevelopment is carried out has been previously acquired by the development corporation and is for the time being held by that corporation;
 - (b) the development corporation shall, in a case falling within paragraph (a) or (c) of that subsection, be the relevant authority for the purposes of this section.
- (9) In this section “a housing order, resolution or undertaking” [^{F11}“improvement”] and “redevelopment” have the same meaning as in section 27 above.

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 36. (See end of Document for details)

Textual Amendments

- F1** Words inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 44(1)**
- F2** S. 36(1)(d) inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 14(a)**
- F3** Words in s. 36(1)(d) substituted (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **sch. 6 para. 7(4)(a)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F4** Words in s. 36(1)(d) substituted (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **sch. 6 para. 7(4)(b)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F5** Words in s. 26(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 21(4)**
- F6** Words added by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 44(2)**
- F7** Words in s. 36(4)(b) repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3
- F8** Word inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 44(3)**
- F9** Words substituted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 14(b)**
- F10** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), **Sch. 23 para. 19(5)(b)**
- F11** Word inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 44(4)**

Marginal Citations

- M1** 1959 c. 24.
- M2** 1968 c. 31.
- M3** 1966 c. 49.
- M4** 1987 c. 49.

Changes to legislation:

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