



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IX

#### ACQUISITION, TRANSFER, VESTING AND COMPENSATION

##### *Compensation*

#### **119 Compensation for land acquired as service area for special road.**

(1) Where land is compulsorily acquired—

- (a) under section 104(3)(c) of this Act in a case where the acquisition is authorised by a compulsory purchase order which does not also authorise the acquisition of land required for the provision of the adjacent length of special road;
- (b) in pursuance of a notice under [<sup>F1</sup>section 88 of the Town and Country Planning (Scotland) Act 1997] (protection of owners of land affected by certain planning decisions) in a case where the Lands Tribunal for Scotland is satisfied that there are proposals for using the whole or part of the relevant land for such purposes in connection with a special road as are mentioned in the said section 104(3)(c) and that the amount of the compensation would apart from this section be affected by the provision or proposed provision of the special road; or
- (c) in pursuance of a notice under [<sup>F2</sup>section 101 of the said Act of 1997] or section 73 of the <sup>M1</sup>Land Compensation (Scotland) Act 1973 (protection of owner-occupiers of land affected by planning proposals) in a case where the appropriate enactment for the purposes of [section 105 of the said Act of 1997] is or includes the said section 104(3)(c),

then, for the purpose of assessing compensation in respect of the compulsory acquisition, the value of the relevant interest shall be ascertained—

- (i) so far as it is attributable to any relevant planning permission, on the assumption that traffic carried by the special road will not have direct or indirect access to the relevant land; and

---

**Changes to legislation:** *Roads (Scotland) Act 1984, Section 119 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

(ii) so far as it is not attributable to any such planning permission, on the assumption that traffic carried by the special road will not have direct access to the relevant land.

(2) In this section—

“direct access” means access by means of a special road or private road and “indirect access” means access by means of a public road which is not a special road;

“relevant planning permission” means any planning permission for service area development which is in force on the date of service of the notice to treat, or as to the grant of which any assumption is required to be made by virtue of section 23 or 24 of the <sup>M2</sup>Land Compensation (Scotland) Act 1963, or the possibility of the grant of which is taken into account in assessing the compensation;

“service area development” means development of the relevant land, or of any part thereof, for the purpose of providing such service stations or other buildings or facilities as are mentioned in the said section 104(3)(c) or of providing any other buildings or facilities designed to cater to a significant extent for traffic carried or to be carried by the special road;

and any expression which is also used in the said Act of 1963 has the same meaning as in that Act.

#### **Textual Amendments**

- F1** Words in s. 119(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(1)(a)**  
**F2** Words in s. 119(c) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(1)(b)**

#### **Marginal Citations**

- M1** 1973 c. 56.  
**M2** 1963 c. 51.

**Changes to legislation:**

Roads (Scotland) Act 1984, Section 119 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)