



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XIV

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Assistance by way of repurchase

278 Compulsory purchase compensation to be made up to 95 per cent of defect-free value

- (1) Where a person ("the owner") has disposed of an interest in a defective dwelling, otherwise than in pursuance of Schedule 20 (repurchase), to an authority possessing compulsory purchase powers and—
- (a) immediately before the time of the disposal he was eligible for assistance under this Part in respect of the dwelling,
 - (b) the amount paid as consideration for the disposal did not include any amount attributable to his right to apply for such assistance, and
 - (c) on the disposal the authority acquired an interest in any of the affected land, that is to say, the defective dwelling and any garage, outhouse, garden, yard and pertinents belonging to or usually enjoyed with the dwelling or any part of it,

he is entitled, subject to the following provisions of this section, to be paid by the local authority the amount (if any) by which 95 per cent. of the defect-free value exceeds the amount of the compensation for the disposal.

- (2) For the purposes of this section—
- (a) the "amount of compensation for the disposal" means the amount that would have been the proper amount of compensation for the disposal (having regard to any relevant determination of the Lands Tribunal) or, if greater, the amount paid as the consideration for the disposal, and
 - (b) the "defect-free" value means the amount that would have been the proper amount of compensation for the disposal if none of the defective dwellings to

Status: This is the original version (as it was originally enacted).

which the designation in question related had been affected by the qualifying defect;

but excluding, in either case, any amount payable for disturbance or for any other matter not directly based on the value of land.

- (3) For the purposes of this section, it shall be assumed that the disposal occurred on a compulsory acquisition (in cases where it did not in fact do so).
- (4) Where the compensation for the disposal fell to be assessed by reference to the value of the land as a site cleared of buildings and available for development, it shall be assumed for the purposes of determining the defect-free value that it did not fall to be so assessed.
- (5) The amount payable by the local authority under this section shall be reduced by the amount of any payment made in respect of the defective dwelling under section 304 or 305 (payments for well-maintained houses).
- (6) In this section "authority possessing compulsory purchase powers" has the same meaning as in the Land Compensation (Scotland) Act 1963.