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SCHEDULES

SIXTH SCHEDULE

REDUCTION OR EXTINGUISHMENT OF UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

PART III

SPECIAL PROVISIONS FOR APPORTIONMENT IN SCOTLAND

Determination of relevant area

- 13 (1) Where, in the case of a compulsory acquisition to which section one of this Act applies, any area of the relevant land which, immediately before the service of the notice to treat, had an unexpended balance of established development value does not satisfy the condition set out in the next following sub-paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies that condition.
- (2) The condition referred to in the preceding sub-paragraph is that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole thereof.
- (3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the condition set out in the last preceding sub-paragraph is in this Part of this Schedule referred to in relation to the interests subsisting therein as " the relevant area", and the subsequent provisions of this Part of this Schedule shall have effect separately in relation to each relevant area.

Preliminary calculations

- 14 In the case of the interest of the lessor under any lease there shall be calculated the capital value as at the time immediately before the service of the notice to treat of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the expiration of the lease ; and the amount so calculated in the case of any such interest is in this Part of this Schedule referred to as " the reversionary development value " of that interest.

Apportionment of unexpended balance between interests

- 15 Where two or more interests other than excepted interests, subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable to each respectively of those interests shall be taken to be the following, that is to say—
- (a) in the case of the interest of the lessor under any lease, so much, if any, of the reversionary development value of that interest, as remains after the deduction therefrom of the aggregate of—

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- (i) the reversionary development value of the interest of the person, if any, to whom that lessor stands in the relationship of lessee ; and
 - (ii) in a case where the restricted value of the first-mentioned interest is a minus quantity, an amount equal to that minus quantity;
- (b) in the case of the interest of the lessee under any lease which is not subject to a sub-lease, so much, if any, of the said balance as remains after the deduction therefrom of the aggregate of—
- (i) the reversionary development value of the interest of the lessor under the lease, and
 - (ii) in a case where the restricted value of the first-mentioned interest is a minus quantity, an amount equal to that minus quantity.

Interpretation

- 16 In this Part of this Schedule the expression " lease " does not include any lease in the case of which the interest of the lessee is an excepted interest.
- 17 This Part of this Schedule shall apply to Scotland only.