



Town and Country Planning (Scotland) Act 1959

1959 CHAPTER 70 7 and 8 Eliz 2

PART V

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

44 Compensation for damage to requisitioned land.

- (1) In relation to compensation accruing due after the twenty-ninth day of October, nineteen hundred and fifty-eight, by virtue of paragraph (b) of subsection (1) of section two of the ^{M1}Compensation (Defence) Act, 1939 (which relates to compensation payable in respect of damage occurring to requisitioned land during the period of requisition), section fifty-five of the Act of 1954 (which limits the amount of that compensation) shall have effect as if any reference to the price which, at the relevant time and in the relevant circumstances, would be the compulsory purchase price of the land were a reference to the value which, at that time and in those circumstances, would be the value of ^{F1}... the land as is mentioned in paragraph (a) of subsection (2) of the said section fifty-five (that is to say, the ^{F1}... land, subject to any ^{F1}... servitude or other restriction affecting the land at the relevant time, but otherwise free from burdens).
- (2) In this section “the relevant time” means the time when the compensation accrues due, and “in the relevant circumstances” means if the land were at the relevant time in the state in which it was when possession of the land was taken in the exercise of emergency powers.

Textual Amendments

- F1** Words in s. 44 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Marginal Citations

- M1** [1939 c. 75](#).

Changes to legislation:

There are currently no known outstanding effects for the *Town and Country Planning (Scotland) Act 1959*, Section 44.