



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART II

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION BY LANDS TRIBUNAL

11 Expenses.

(1) Where either—

- (a) the acquiring authority have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered; or
- (b) the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable them to make a proper offer, a notice in writing of the amount claimed by him, containing the particulars mentioned in subsection (2) of this section;

the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own expenses and to pay the expenses of the acquiring authority so far as they were incurred after the offer was made or, as the case may be, after the time when in the opinion of the Lands Tribunal the notice should have been delivered.

- (2) The notice mentioned in subsection (1) (b) of this section must state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.
- (3) Where a claimant has delivered such a notice as is mentioned in subsection (1)(b) of this section and has made an unconditional offer in writing to accept any sum as compensation, then, if the sum awarded to him by the Lands Tribunal is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear their own expenses and pay the expenses of the claimant so far as they were incurred after his offer was made.
- (4) The Lands Tribunal may in any case disallow the cost of counsel.

Changes to legislation: *Land Compensation (Scotland) Act 1963, Section 11 is up to date with all changes known to be in force on or before 29 September 2023. 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*

- (5) Where the Lands Tribunal orders the claimant to pay the expenses, or any part of the expenses, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation, if any, payable to him.

Modifications etc. (not altering text)

- C1** S. 11 applied with modifications by Acts listed in [Chronological Table of the Statutes and Local Government, Planning and Land Act 1980 \(c. 65\)](#), **s. 167(9)(13)**
- C2** S. 11 extended with modifications by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 117(1)**
- C3** S. 11 applied by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 10(1)(5), 112(3), Sch. 4 paras. 7(4), 11(3), Sch. 5 para. 6, **Sch. 17 para. 35(1)**
- C4** S. 11 applied (with modifications) (30.10.1994) by S.I. 1994/2716, **reg. 92(4)**
 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 86(2)**, 278(2)
 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 143(7)**, 278(2)
 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 165(3)**, 278(2)
 S. 11 applied (27.5.1997) by 1997 c. 8, **ss. 185(3)**, 278(2)
 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 204(6)**, 278(2)
 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 235(4)**, 278(2)
 S. 11 applied (27.5.1997) by 1997 c. 9, **ss. 27(5)**, 83(2) (with s. 45(4))
 S. 11 applied (with modifications) (1.4.1999) by S.I. 1999/481, **reg. 8(4)**
 S. 11 applied (with modifications) (26.3.2001) by 2000 c. 26, s. 95, **Sch. 6 para. 5(3)**; S.I. 2000/2957, art. 2(3), **Sch. 3**
 S. 11 applied (with modifications) (28.9.2000) by S.S.I. 2000/323, reg. 9(17), **Sch. 6 para. 8(3)**
- C5** S. 11 applied (with modifications) (1.4.2003) by [The Anti-Pollution Works \(Scotland\) Regulations 2003 \(S.S.I. 2003/168\)](#), reg. 1(1), **sch. para. 6(3)**
- C6** S. 11 applied (with modifications) (1.4.2006) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), reg. 1(2), **sch. 7 para. 6(3)** (with regs. 4, 50)
- C7** S. 11 applied (with modifications) (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land by the Scottish Ministers\) Order 2008 \(S.S.I. 2008/200\)](#), arts. 1, **10(4)**
- C8** S. 11 applied (with modifications) (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land on Application\) Order 2008 \(S.S.I. 2008/199\)](#), arts. 1, **11(4)**
- C9** S. 11 applied (with modifications) (26.11.2008 for specified purposes, 1.3.2010 in so far as not already in force) by [Planning Act 2008 \(c. 29\)](#), ss. 165(6), 236, 241(1)(8), **Sch. 12 para. 22(c)** (with s. 226); S.I. 2010/101, art. 3(j) (with art. 6)
- C10** S. 11 applied (with modifications) (31.3.2011) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/209\)](#), reg. 1(2), **sch. 7 para. 6(3)** (with reg. 54)
- C11** S. 11 applied (with modifications) by 1997 c. 9, s. 41D(9) (as inserted (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 23(1)**, 33(2); S.S.I. 2011/174, art. 2, sch.; S.S.I. 2011/372, art. 2, sch.)
- C12** S. 11 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 55(6)(b)**, 70(1)
- C13** S. 11 applied (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 2 para. 14(3)** (with reg. 78, sch. 5 para. 2)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 11 applied (with modifications) by [2021 asp 9 s. 73\(3\)](#)
- s. 11 applied (with modifications) by [2021 asp 9 s. 77\(4\)](#)
- s. 11 applied (with modifications) by [2021 asp 9 s. 81\(3\)](#)