



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

[^{F1}PART V

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

^{F2}[^{F1}32 Provisions as to claims under section 31.

- (1) For the purpose of facilitating the making of claims for compensation under section 31 of this Act—
- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in section 31(1)(a) of this Act; or
 - (b) any person claiming under him as being a person who, if compensation under that section became payable, would be entitled to it by virtue of subsection (4) of that section,
- may give to the acquiring authority an address for service under this section.

- (2) Where, at any time—
- (a) after a person has given an acquiring authority an address for service under this section; and
 - (b) before the end of the period mentioned in paragraph (a) of section 31(1) of this Act,

such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall, subject to subsection (3) of this section, give notice of the decision in the prescribed form to that person at that address.

- (3) If—
- (a) an address for service has been given by such a person as is mentioned in subsection (1)(b) of this section; and
 - (b) the acquiring authority have reasonable grounds for believing that the person mentioned in subsection (1)(a) of this section is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act,

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 32. (See end of Document for details)

the acquiring authority need not give a notice to the person mentioned in subsection (1) (a).

(4) A claim for compensation under section 31 of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say—

- (a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision;
- (b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

but, where there is an appeal against the planning decision, the reference in paragraph (a) of this subsection to the date of the planning decision shall be read as a reference to the date of the decision on the appeal.

(5) The references in subsection (4) of this section to an appeal against a planning decision include an appeal made by virtue of ^{F3}section 47(2) of the Town and Country Planning (Scotland) Act 1997].

(6) Where—

- (a) a person has given to an acquiring authority an address for service under this section; and
- (b) that authority, before the end of the period mentioned in section 31(1)(a) of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to the ^{F4}ownership], or a tenancy, of that land or that part of it, as the case may be,

they shall notify the planning authority; and after that it shall be the duty of the planning authority to give notice to the acquiring authority of any planning decision of which the acquiring authority are required to give notice under subsection (2) of this section.

(7) Notice under subsection (6) of this section of a planning decision—

- (a) in the case of a decision made by the planning authority, shall be given within seven days after the making of the decision; and
- (b) in any other case, shall be given within seven days after the making of the decision has been notified to the planning authority.]

Textual Amendments

- F1** Pt. V (ss. 31-37) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.1](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)
- F2** Pt. V (ss. 31-37) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para. 1](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)
- F3** Words in s. 32(5) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 9\(6\)](#)
- F4** Word in [s. 32\(6\)\(b\)](#) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 25\(6\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, [art. 2](#)

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