



# Land Compensation (Scotland) Act 1973

## 1973 CHAPTER 56

### PART II

#### MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

*Expenses of persons moving temporarily during construction works etc.*

#### **26 Power to pay expenses of persons moving temporarily during construction works etc.**

- (1) This section has effect where works are carried out—
  - (a) by a [<sup>F1</sup>roads authority] for the construction or improvement of a road; or
  - (b) by a responsible authority for the construction or alteration of any public works other than a road,and the carrying out of those works affects the enjoyment of a dwelling adjacent to the site on which they are being carried out to such an extent that continued occupation of the dwelling is not reasonably practicable.
- (2) Subject to subsection (3) below, the [<sup>F1</sup>roads authority] or responsible authority, as the case may be, may pay any reasonable expenses incurred by the occupier of the dwelling in providing suitable alternative residential accommodation for himself and members of his household for the whole or any part of the period during which the works are being carried out.
- (3) No payment shall be made to any person under this section in respect of any expenses except in pursuance of an agreement made between that person and the authority concerned before the expenses are incurred; and no payment shall be so made except in respect of the amount by which the expenses exceed those which that person would have incurred if the dwelling had continued to be occupied.
- (4) In this section—
  - (a) .....<sup>F2</sup>
  - (b) “public works” and “responsible authority” have the same meaning as in section 1 above.

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**Changes to legislation:** *There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973.*  
*Cross Heading: Expenses of persons moving temporarily during construction works etc.. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 72(2)(3)**
- F2** [S. 26\(4\)\(a\)](#) repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), Sch. 9 para. 72(6), **Sch. 11**

**Changes to legislation:**

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Cross Heading: Expenses of persons moving temporarily during construction works etc..