



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART VI

SUPPLEMENTARY PROVISIONS

78 Application to Crown.

- (1) Part I of this Act does not apply to any aerodrome in the occupation of a government department but, subject to that, references in that Part and in Part II of this Act to public works and responsible authorities include references to any works or authority which, apart from any Crown exemption, would be public works or a responsible authority.
- (2) Parts III and IV of this Act apply in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments being authorities possessing compulsory purchase powers, as they apply in relation to the acquisition of interests in land by such authorities who are not government departments.

79 Financial provisions.

There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred under this Act by any government department;
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

80 General interpretation.

- (1) In this Act—

“agriculture”, “agricultural” and “agricultural land” have the meaning given in section 86 of the ^{M1}Agriculture (Scotland) Act 1948, and references to the farming of land include references to the carrying on in relation to the land of any agricultural activities;

[^{F1}“agricultural holding” means the land comprised in a lease constituting a 1991 Act tenancy within the meaning of the [Agricultural Holdings \(Scotland\)](#)

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[Act 2003 \(asp 11\)](#), or the land comprised in a lease constituting a short limited duration tenancy [^{F2}, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy] (within the meaning of that Act); and “landlord” and “tenant”, in relation to an agricultural holding, have the same meaning as in section 85 of the Agricultural Holdings (Scotland) Act 1991 or (as the case may be) section 93 of the Agricultural Holdings (Scotland) Act 2003;]

“agricultural unit” has the meaning given in [^{F3}section 122 of the Town and Country Planning (Scotland) Act 1997];

“acquiring authority”, and “authority possessing compulsory purchase powers” have the same meaning as in the ^{M2}Land Compensation (Scotland) Act 1963;

[^{F4}“aerodrome” has the same meaning as in the Civil Aviation Act 1982;]

[^{F5}“carriageway” has the same meaning as in the Roads (Scotland) Act 1984]

“cottar” has the same meaning as in section 28(4) of the ^{M3}Crofters (Scotland) Act 1955;

“croft”, “crofter” and “landlord”, in relation to a croft, have the same meanings respectively as in the Crofters (Scotland) Act 1955;

“disabled person” means [^{F6}—

(a)] a person in need under section 12 of the ^{M4}Social Work (Scotland) Act 1968 as read with section 1 of the ^{M5}Chronically Sick and Disabled Persons (Scotland) Act 1972[^{F7};and

(b)] a child in need within the meaning of section 93(4)(a)(iii) of the Children (Scotland) Act 1995];

“dwelling” means a building or part of a building occupied or (if not occupied) last occupied or intended to be occupied as a private house, and (except in section 27) includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that building or part;

“heritable security” means any security capable of being constituted over any interest in land by a disposition or assignation of that interest in security of any debt and of being recorded in the Register of Sasines;

“holding”, in relation to a landholder and a statutory small tenant, has the same meaning as in section 2(1) of the ^{M6}Small Landholders (Scotland) Act 1911 and “landlord”, in relation to such a holding, has the same meaning as in the ^{M7}Agricultural Holdings (Scotland) Act 1949;

[^{F8}“housing association” has the meaning assigned to it by [^{F9}the Housing Associations Act 1985];]

“landholder” has the same meaning as in section 2(2) of the Small Landholders (Scotland) Act 1911;

“Lands Tribunal” means the Lands Tribunal for Scotland;

[^{F10}“local roads authority” has the same meaning as in the Roads (Scotland) Act 1984]

[^{F11}“notice of intention to resume land”, in relation to a short limited duration tenancy or a limited duration tenancy within the meaning of the [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#) means notice under section 17(2) of that Act;

“notice to quit”, in relation to a lease constituting a 1991 Act tenancy within the meaning of the [Agricultural Holdings \(Scotland\) Act 2003](#)

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(asp 11), means a notice to quit within the meaning of the Agricultural Holdings (Scotland) Act 1991;]

“owner” has the same meaning as in section 45(1) of the ^{M8}Land Compensation (Scotland) Act 1963;

[^{F8}“registered”, in relation to a housing association, means registered [^{F12}under the Housing Associations Act 1985];]

[^{F13}“road” has the same meaning as in the Roads (Scotland) Act 1984;]

[^{F14}“roads authority” has the same meaning as in the Roads (Scotland) Act 1984;]

“statutory small tenant” has the same meaning as in section 32(1) of the Small Landholders (Scotland) Act 1911.

[^{F15}(1A) Any reference in this Act to an “interest” in land shall be construed as a reference to a right in land and as including a reference to ownership of land.]

(2) ^{F16}.

(3) Except where the context otherwise requires, references in this Act to any enactment are references to that enactment as amended, and include references to that enactment as extended or applied, by any other enactment, including this Act.

Textual Amendments

- F1** Words in s. 80 substituted (27.11.2003) by The Agricultural Holdings (Consequential Amendments) (Scotland) Order 2003 (S.S.I. 2003/583), art. 1, **sch. para. 8(e)**
- F2** Words in s. 80(1) substituted (30.11.2017) by The Land Reform (Scotland) Act 2016 (Supplementary, Consequential, Transitory and Saving Provisions) Regulations 2017 (S.S.I. 2017/416), reg. 1(1), **sch. 1 para. 2(3)** (with sch. 2 para. 2(b))
- F3** Words in definition of “agricultural unit” in s. 80(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 21(12)**
- F4** Definition substituted by Civil Aviation Act 1982 (c. 16, SIF 9), s. 109, **Sch. 15 para. 14(3)**
- F5** Definition inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 72(9)(a)(i)**
- F6** S. 80(1): “- (a)” in definition of “disabled person” inserted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 21(3)(a)** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**
- F7** S. 80(1): Para. (b) and “; and” preceeding in definition of “disabled person” inserted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 21(3)(b)** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**
- F8** Definition inserted by Housing Rents and Subsidies (Scotland) Act 1975 (c. 28), **Sch. 3 para. 11**
- F9** Words substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(11)(a)**
- F10** Definition inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 72(9)(a)(i)**
- F11** Words in s. 80 inserted (27.11.2003) by The Agricultural Holdings (Consequential Amendments) (Scotland) Order 2003 (S.S.I. 2003/583), art. 1, **sch. para. 8(e)(ii)**
- F12** Words substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(11)(b)**
- F13** Definition substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 72(9)(a)(ii)**
- F14** Definition inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 72(9)(a)(ii)**
- F15** S. 80(1A) inserted (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **sch. 12 para. 35** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F16** S. 80(2) repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 72(9)(b)**, Sch. 11

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Marginal Citations

- M1** 1948 c. 45.
M2 1963 c. 51.
M3 1955 c. 21.
M4 1968 c. 49.
M5 1972 c. 51.
M6 1911 c. 49.
M7 1949 c. 75.
M8 1963 c. 51.

81 Repeal of Land Compensation Act 1973 in relation to Scotland and reprinting of Act as it applies to England and Wales.

- (1) The ^{M9}Land Compensation Act 1973 (except section 86 and Schedule 3) shall cease to apply to Scotland . . . ^{F17}
- (2) ^{F18}

Textual Amendments

- F17** Words repeal provisions of [Land Compensation Act 1973 \(c. 26\)](#) specified in Sch. 2 Pt. I and provide for amendments of provisions of *ibid.*, specified in Sch. 2 Pt. II
- F18** [S. 81\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XXI](#)

Marginal Citations

- M9** 1973 c. 26.

82 Savings and transitional.

- (1) Notwithstanding the repeal of the Land Compensation Act 1973, in so far as anything done under that Act could have been done under a corresponding provision in this Act, it shall have effect as if done under that provision.
- (2) Notwithstanding the repeal of the said Act, section 3 of that Act (claims) shall have effect in relation to offences committed thereunder before the passing of this Act.
- (3) The inclusion in this section of any express savings shall not be taken as prejudicing the operation of [^{F19}sections 16(1) and 17(2)(a) of the ^{M10}Interpretation Act 1978] (which relates to the effect of repeals).
- (4) Section 44 above does not affect any compensation which fell or falls to be assessed by reference to prices current on a date before 23rd May 1973, and the other provisions of Part IV of this Act relating to the assessment of compensation do not affect any compensation which fell or falls to be assessed by reference to prices current on a date before 17th October 1972.

Textual Amendments

- F19** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

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Marginal Citations

M10 1978 c. 30.

83 Short title and extent.

- (1) This Act may be cited as the Land Compensation (Scotland) Act 1973.
- (2) This Act, except section 81 and Schedule 2, extends to Scotland only.

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