



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART IV

COMPULSORY PURCHASE

Severance of land

54 Determination of material detriment where part of house etc. proposed for compulsory acquisition.

- (1) In determining under paragraph 4 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or [^{F1}section 117(2) of, or paragraph 26 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997] whether—
- (a) part of a house, building or manufactory can be taken without material detriment or damage to the house, building or manufactory; or
 - (b) part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the Lands Tribunal shall take into account not only the effect of the severance but also the use to be made of the part proposed to be acquired and, in a case where the part is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.

- (2) Subsection (1) above shall apply with the necessary modifications to any determination—
- (a) under the said paragraph 4 as substituted by [^{F2}paragraph 22 of Schedule 3 to the Gas Act 1986] (compulsory acquisition of rights over land); or
 - (b) under any provision corresponding to or substituted for the said paragraph 4 which is contained in, or in an instrument made under, any other enactment including (except where otherwise provided) an enactment passed after 23rd May 1973.

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 54. (See end of Document for details)

Textual Amendments

- F1** Words in s. 54(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 21(10)**
- F2** Words substituted by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 16(2)**

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