



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XV

COMPENSATION PAYMENTS

Payments for houses not meeting tolerable standard

311 Interpretation of sections 308 to 310.

(1) In section 308, in relation to any house purchased or vacated, “the relevant date” and “the authority concerned” mean respectively—

- (a) if the house was purchased compulsorily in pursuance of a notice served under section 121, the date when and the authority by whom the notice was served;
- [^{F1}(b) if the house is in a housing renewal area (within the meaning of the Housing (Scotland) Act 2006 (asp 1)), the date on which the order designating it was made under section 1 of that Act of 2006 and the authority which made it;]
- (c) if the house was declared not to meet the tolerable standard by an order under paragraph 2(1) of Schedule 2 to the ^{M1}Land Compensation (Scotland) Act 1963, the date when the order was made and the acquiring authority within the meaning of that Act;
- (d) if the house was vacated in pursuance of a demolition order or closing order, the date when and the authority by whom the order was made;
- (e) if the house was compulsorily purchased under section 88(4), the date when and the authority by whom the order was served;

and “the qualifying period” means the period of 2 years ending with the relevant date, except that where that date is earlier than 31st July 1970, it means the period beginning with 1st August 1968 and ending with the relevant date.

(2) In sections 308 to 310—

“full compulsory purchase value”, in relation to any interest in a house, means the compensation which would be payable in respect of the compulsory purchase of that interest if the house were not being dealt with under Part IV or Part VI as not meeting the tolerable standard, and, in the case of a house

Status: Point in time view as at 01/04/2009. This version of this provision has been superseded.

Changes to legislation: Housing (Scotland) Act 1987, Section 311 is up to date with all changes known to be in force on or before 02 June 2024. 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)

subject to a demolition order or closing order, the making of that order were a service of the notice to treat;

“interest” in a house does not include the interest of a tenant for a year or any less period or of a statutory tenant within the meaning of the ^{M1}Rent (Scotland) Act 1984 [^{F2}or of a statutory assured tenant within the meaning of the Housing (Scotland) Act 1988];

“restricted value”, in relation to the compulsory purchase of a house, means compensation in respect thereof assessed under or by virtue of section 120 or 121 or Part III of Schedule 8.

- (3) For the purposes of section 308, a house which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority having power to make the order shall be deemed to have been vacated in pursuance of a demolition order made and served by that authority at the date when the undertaking was given.

Textual Amendments

- F1** S. 311(1)(b) substituted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 6 para. 12](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 7)
- F2** Words inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(2), [Sch. 9 para. 18](#)

Marginal Citations

- M1** 1963 c. 51.
M2 1984 c. 58.

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