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*Changes to legislation: There are currently no known outstanding effects for the  
Planning and Compensation Act 1991, Paragraph 2. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 16

#### COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION-SCOTLAND

##### Commencement Information

**II** Sch. 16 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, art. 3.

2 After Schedule 2 to that Act there is inserted—

#### “THIRD SCHEDULE

##### APPLICATION OF PART V TO CERTAIN CASES

##### *Disturbance, severance and injurious affection*

1 Subject to paragraph 2 of this Schedule, any reference in section 31 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.

2 If the person entitled to the compensation under section 31 of this Act—

- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in other land contiguous or adjacent to the land acquired or purchased; but
- (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;

any reference in section 31 of this Act to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

##### *Increase in value of contiguous or adjacent land*

3 In determining for the purposes of section 31 of this Act the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 14 of this Act or otherwise)

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by reason of an increase in the value of an interest in contiguous or adjacent land; but

- (b) at the time of the planning decision the person entitled to the compensation under section 23 of this Act is not entitled to the interest or is entitled to it only as respects part of the contiguous or adjacent land,

the amount specified in section 31(2) and the principal amount or purchase price mentioned in section 31(1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part of the land.

*Land held subject to heritable security*

- 4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.
- 5 For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a heritable security.
- 6 No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement where the interest acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

*Land held in trust*

- 7 (1) Where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a trust, and accordingly the compensation or purchase price was payable to the trustees of that trust, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the trust.
- (2) Where sub-paragraph (1) of this paragraph applies, section 31(4) of this Act shall not apply.
- (3) Any compensation paid to the trustees of the trust by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.
- (4) In this paragraph “trust” has the same meaning as in the <sup>M1</sup>Trusts (Scotland) Act 1921.

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### *Interpretation*

- 8 References in this Schedule to sections 31 and 32 of this Act include references to those sections as applied by section 33 or 34 of this Act, and references to the time of any planning decision shall be construed accordingly.”

#### **Commencement Information**

**II** Sch. 16 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

#### **Marginal Citations**

**M1** 1921 c. 58.

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