



# Land Compensation (Scotland) Act 1973

## 1973 CHAPTER 56

### PART I

#### COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

#### **10 Restricted interests in land**

- (1) Where an interest is subject to a heritable security—
  - (a) a claim may be made by any heritable creditor of the interest as if he were the person entitled to that interest but without prejudice to the making of a claim by that person;
  - (b) no compensation shall be payable in respect of the interest of the heritable creditor (as distinct from the interest which is subject to the heritable security);
  - (c) any compensation which is payable in respect of the interest which is subject to the heritable security shall be paid to the heritable creditor or, if there is more than one heritable creditor, to the first heritable creditor and shall in either case be applied by him as if it were proceeds of sale.
- (2) Where the interest is that of any of the persons specified in section 67 of the Lands Clauses Consolidation (Scotland) Act 1845, that Act shall have effect with regard to the application of the compensation as it has effect with regard to the application of the compensation payable in respect of the purchase of land.
- (3) Where an interest in land is vested in trustees and a person beneficially entitled (whether directly or derivatively) under the trust is entitled or permitted by reason of his interest to occupy the land, section 2 above shall have effect as if occupation by that person were occupation by the trustees in right of the interest vested in them.