



# Land Compensation (Scotland) Act 1963

## 1963 CHAPTER 51

### PART VI

#### MISCELLANEOUS AND GENERAL

#### **[<sup>F1</sup>38 Power to pay allowances to persons displaced.**

- (1) Where any interest in land is compulsorily acquired or is sold by agreement to an authority possessing compulsory purchase powers, the acquiring authority—
  - (a) may pay to any person displaced from a house or other building on that land such reasonable allowance as they think fit towards his expenses in removing therefrom; and
  - (b) may pay to any person carrying on any trade or business in any such house or other building such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent upon his having to quit the house or building.
- (2) Where any interest in land is acquired or sold as aforesaid and the land is used for the purposes of agriculture (within the meaning of [<sup>F2</sup>section 277(1) of the Town and Country Planning (Scotland) Act 1997]) by way of a trade or business, the acquiring authority may pay to any person carrying on that trade or business who is displaced from the land such reasonable allowance as they think fit towards his removal expenses and the loss which, in their opinion, he will sustain by reason of the resulting disturbance of his trade or business.
- (3) In estimating the loss of any person for the purposes of subsection (1)(b) or subsection (2) of this section, the authority shall have regard to the period for which the premises or, as the case may be, land occupied by him might reasonably have been expected to be available for the purpose of his trade or business, and to the availability of other premises or, as the case may be, land suitable for that purpose.
- (4) The operation of any provision of this section enabling an allowance to be paid shall not prejudice the operation of—
  - (a) any other such provision of this section, or

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**Changes to legislation:** *There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 38. (See end of Document for details)*

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- (b) any enactment authorising the making of payments to or in respect of persons displaced or otherwise affected by acquisitions by authorities possessing compulsory purchase powers or persons otherwise displaced from any land.]

**Textual Amendments**

- F1** S. 38 repealed by [Land Compensation Act 1973 \(c. 26\)](#), [Sch. 3](#) except so far as relating to land used for the purposes of agriculture
- F2** Words in s. 38(2) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 9\(7\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 38.