



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART I

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

5 Assessment of compensation: assumptions as to planning permission.

(1) The following assumptions shall be made in assessing the value of the interest in respect of which the claim is made

^{F1}(3) Subject to subsection (3) below, it shall be assumed that, in respect of the land in which the interest subsists (“the relevant land”) or any part of it, planning permission would be granted—

- (a) subject to the condition set out in [^{F2}Schedule 12 to the Town and Country Planning (Scotland) Act 1997], for any development of a class specified in [^{F2}paragraph 1 of Schedule 11] to that Act; and
- (b) for any development of a class specified in [^{F3}paragraph 2 of Schedule 11] to that Act.]

(3) Notwithstanding subsection (2) above-

^{F4}(a)

^{F4}(b)

(c) where an order has been made under [^{F5}section 71 of or paragraph 1 of Schedule 8 to the said Act of 1997], in respect of the relevant land or any part thereof, requiring the removal of any building or the discontinuance of any use, and compensation has become payable in respect of that order under [^{F5}section 83] of that Act, it shall not by virtue of the said subsection (2) be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, as the case may be, for the rebuilding of that building or the resumption of that use.

(4) It shall be assumed that planning permission would not be granted in respect of the relevant land or any part thereof for any development other than such development as is mentioned in subsection (2) above; and, if planning permission has been granted

*Changes to legislation: There are currently no known outstanding effects for the
 Land Compensation (Scotland) Act 1973, Section 5. (See end of Document for details)*

in respect of the relevant land or any part thereof for such other development, it shall be assumed that the planning permission has not been granted in so far as it relates to development that has not been carried out.

- (5) In this section any expression which is also used in [^{F6}the said Act of 1997] has the same meaning as in that Act and references to any provision of that Act include references to any corresponding provision previously in force.

Textual Amendments

- F1** S. 5(3) substituted (25.9.1991) for s. 5(2) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 60(6), Sch. 12 para. 5(1)(a) (with s. 84(5)); [S.I. 1991/2092, art. 3](#)
- F2** By [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 21\(2\)\(a\)\(i\)](#) it is provided (27.5.1997) that in s. 5(2)(a) for “Schedule 16 to the Town and Country Planning (Scotland) Act 1972” and “paragraph 1 of Schedule 6” there is substituted respectively “Schedule 12 to the Town and Country Planning (Scotland) Act 1997” and “paragraph 1 of Schedule 11”
- F3** By [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 21\(2\)\(a\)\(ii\)](#) it is provided (27.5.1997) that in s. 5(2)(b) for “paragraph 2 of Schedule 6” there is substituted “paragraph 2 of Schedule 11” in s. 5(3)(b)
- F4** S. 5(3)(a)(b) repealed (25.9.1991) (subject to limitation referred to in [S.I. 1991/2092, art. 4\(2\), Sch. 2, Pt. II](#)) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 60(6), Sch. 12 para. 5(1)(b), [Sch. 19 Pt. IV](#) (with s. 84(5)); [S.I. 1991/2092, art. 3](#)
- F5** Words in s. 5(3)(c) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 21\(2\)\(b\)](#)
- F6** Words in s. 5(5) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 21\(2\)\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 5(2)(3)(4) applied in part (27.5.1997) by [1997 c. 8, ss. 97\(7\), 278\(2\)](#)
 S. 5(2)(3)(4) applied in part (27.5.1997) by [1997 c. 8, ss. 108\(3\), 278\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 5.