

Status: Point in time view as at 01/03/2016.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: Expenses in acquiring replacement land. (See end of Document for details)

SCHEDULES

SCHEDULE 17

AMENDMENTS RELATING TO LAND COMPENSATION IN SCOTLAND

Commencement Information

II Sch. 17 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, art. 3.

PART I

MISCELLANEOUS AMENDMENTS

Expenses in acquiring replacement land

6 After section 17 of the Land Compensation (Scotland) Act 1963 there is inserted—

“17A Expenses of owners not in occupation.

Where, in consequence of any compulsory acquisition of land—

- (a) the acquiring authority acquire an interest of a person who is not then in occupation of the land; and
- (b) that person incurs incidental charges or expenses in acquiring, within the period of one year beginning with the date of entry, an interest in other land in the United Kingdom,

the charges or expenses shall be taken into account in assessing his compensation as they would be taken into account if he were in occupation of the land.”.

Modifications etc. (not altering text)

C1 Sch. 17 para. 6 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. I para. 4

Commencement Information

II Sch. 17 para. 6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, art. 3

7 (1) In section 22(1) of the Land Compensation (Scotland) Act 1963 after “shall” there is inserted “ (subject to subsection (3A) of this section) ”.

(2) In section 22(3) of that Act, for the words from “but” to the end there is substituted—

“(3A) In determining—

- (a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular

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circumstances reasonably have been expected to be granted in respect of any land; or

- (b) whether any of the assumptions mentioned in section 24 of this Act (but not section 23) are applicable to the relevant land or any part thereof,

regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part IV of this Act.”

Modifications etc. (not altering text)

C2 Sch. 17 para. 7 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 6(1)

Commencement Information

I2 Sch. 17 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, art. 3

- 8 In section 25 of that Act—
- (a) for the words from the beginning of subsection (2) to “acquire it” there is substituted “ If the authority proposing to acquire the interest ”, and
- (b) subsection (8) is omitted.

Modifications etc. (not altering text)

C3 Sch. 17 para. 8 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 6(1)

Commencement Information

I3 Sch. 17 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, art. 3

- 9 In section 27(1) of that Act for “in the circumstances mentioned in section 25(1) of this Act” there is substituted “ by an authority possessing compulsory purchase powers ”.

Modifications etc. (not altering text)

C4 Sch. 17 para. 9 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 6(1)

Commencement Information

I4 Sch. 17 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, art. 3

- 10 Section 30(3) of that Act is omitted.

Modifications etc. (not altering text)

C5 Sch. 17 para. 10 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 6(1)

Commencement Information

I5 Sch. 17 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, art. 3

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