

SCHEDULE 2

OFF-SITE CONDITIONS

PART 2

Compensation for off-site conditions

13.—(1) Compensation payable carries interest at the rate for the time being prescribed under section 40 of the 1963 Act from the date specified in sub-paragraph (2) until payment.

(2) The specified date is—

- (a) in the case of compensation payable by virtue of paragraph 9(a) or (b), the date of depreciation;
- (b) in the case of compensation payable by virtue of paragraph 9(c), (d) or (e), the date on which the loss is sustained or the damage done or, where injurious affection is sustained, the date of the injurious affection;
- (c) in the case of compensation payable by virtue of paragraph 9(f), the date on which the expenses become payable.

(3) If it appears to any person (“the first person”) that the first person may become liable to pay to another person (“the second person”) compensation or interest under this paragraph the first person may, if the second person requests the first person in writing to do so, make one or more payments on account of such compensation or interest.

(4) If, after a payment on account has been made under sub-paragraph (3)—

- (a) it is agreed or determined that compensation or interest is not liable to be paid; or
- (b) by reason of any agreement or determination, any payment under that sub-paragraph is shown to be excessive, the payment or, as the case may be, excess is recoverable by the first person.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018, Paragraph 13.