



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART II **S**

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION BY LANDS TRIBUNAL

Modifications etc. (not altering text)

- C1 Pt. II applied with modifications by [Agriculture \(Miscellaneous Provisions\) Act 1968](#) (c. 34), s. 14(3), Sch. 4 paras. 4, **5(c)**;
- C2 Pt. II (ss. 4-20) modified (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 57(4), 89(2), **Sch. 8 para. 6(c)**(with s. 45(3), Sch. 12 para. 3)
- C3 Pt. II applied (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006](#) (asp 6), **s. 18(10)** (with ss. 18(9), 75)
- C4 Pt. II applied (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006](#) (asp 7), **s. 18(10)** (with ss. 18(9), 76, 84)

8 **Tribunal for assessing compensation in respect of land compulsorily acquired.**

S

As from the coming into operation of this Part of this Act, where by or under any statute (whether passed before or after the passing of this Act) land is authorised to be acquired compulsorily, any question of disputed compensation and, where any part of the land to be acquired is subject to a lease which comprises land not acquired, any question as to the apportionment of the rent payable under the lease, shall be referred to the Lands Tribunal for Scotland (hereafter in this Part of this Act referred to as “the Lands Tribunal”) and shall be determined by the Lands Tribunal in accordance with the following provisions of this Act.

Modifications etc. (not altering text)

- C5 **S. 8** extended with modifications by [Roads \(Scotland\) Act 1984](#) (c. 54, SIF 108), **s. 117(1)**
- C6 **S. 8** applied with modifications by [Roads \(Scotland\) Act 1970](#) (c. 20), **s. 40(1)**

Status: Point in time view as at 01/09/2018.

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

9 Procedure on references under s. 8. S

- (1) The following provisions shall have effect with respect to any proceedings on a question referred to the Lands Tribunal under section 8 of this Act.
- (2) The Lands Tribunal shall sit in public.

[^{F1}Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the ^{M1}Lands Tribunal Act 1949.]
- (3) Not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs; except that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.
- (4) A member of the Lands Tribunal dealing with the proceedings shall be entitled to enter on and inspect any land which is the subject of the proceedings.
- (5) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

Textual Amendments

- F1** Proviso added by [Community Land Act 1975 \(c. 77\)](#), **Sch. 10 para. 5(1)**; continued by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 33 para. 7(1)(2)**

Modifications etc. (not altering text)

- C7** S. 9 applied with modifications by Acts listed in [Chronological Table of the Statutes and Local Government, Planning and Land Act 1980 \(c. 65\)](#), **s. 167(9)(13)**
- C8** S. 9 extended with modifications by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 117(1)**
- C9** S. 9 applied by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 10(1)(5), 112(3), Sch. 4 paras. 7(4), 11(3), [Sch. 5 para. 6](#), **Sch. 17 para. 35(1)**
- C10** S. 9 applied (with modifications) (30.10.1994) by S.I. 1994/2716, **reg. 92(4)**
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 86(2)**, 278(2)
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 143(7)**, 278(2)
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 165(3)**, 278(2)
 S. 9 applied (27.5.1997) by 1997 c. 8, **ss. 185(3)**, 278(2)
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 8, ss. 195, 278(2), **Sch. 15 Pt. I**, paras. 9, 12
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 204(6)**, 278(2)
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 235(4)**, 278(2)
 S. 9 applied (with modifications) (27.5.1997) by 1997 c. 9, **ss. 27(5)**, 83(2) (with s. 45(4))
 S. 9 applied (with modifications) (1.4.1999) by S.I. 1999/481, **reg. 8(4)**
 S. 9 applied (with modifications) (26.3.2001) by 2000 c. 26, s. 95, **Sch. 6 para. 5(3)**; S.I. 2000/2957, [art. 2\(3\)](#), **Sch. 3**
 S. 9 applied (with modifications) (28.9.2000) by S.S.I. 2000/323, **reg. 9(17)**, **Sch. 6 para. 8(3)**
- C11** S. 9 applied (with modifications) (1.4.2003) by [The Anti-Pollution Works \(Scotland\) Regulations 2003 \(S.S.I. 2003/168\)](#), **reg. 1(1)**, **sch. para. 6(3)**
- C12** S. 9 applied (with modifications) (1.4.2006) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), **reg. 1(2)**, **sch. 7 para. 6(3)** (with regs. 4, 50)
- C13** S. 9 applied (with modifications) (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land by the Scottish Ministers\) Order 2008 \(S.S.I. 2008/200\)](#), arts. 1, **10(4)**
- C14** S. 9 applied (with modifications) (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land on Application\) Order 2008 \(S.S.I. 2008/199\)](#), arts. 1, **11(4)**

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- C15** S. 9 applied (with modifications) (26.11.2008 for specified purposes, 1.3.2010 in so far as not already in force) by **Planning Act 2008 (c. 29)**, ss. 165(6), 236, 241(1)(8), **Sch. 12 para. 22(c)** (with s. 226); S.I. 2010/101, art. 3(j) (with art. 6)
- C16** S. 9 applied (with modifications) (31.3.2011) by **The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (S.S.I. 2011/209)**, reg. 1(2), **sch. 7 para. 6(3)** (with reg. 54)
- C17** S. 9 applied (with modifications) by 1997 c. 9, s. 41D(9) (as inserted (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by **Historic Environment (Amendment) (Scotland) Act 2011 (asp 3)**, ss. 23(1), 33(2); S.S.I. 2011/174, art. 2, sch.; S.S.I. 2011/372, art. 2, sch.)
- C18** S. 9 applied (23.2.2017) by **High Speed Rail (London - West Midlands) Act 2017 (c. 7)**, ss. 55(6)(b), 70(1)
- C19** S. 9 applied (1.9.2018) by **The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219)**, reg. 1, **sch. 2 para. 14(3)** (with reg. 78, sch. 5 para. 2)

Marginal Citations

- M1** 1949 c. 42.

10 Consolidation of proceedings on claims in respect of several interests in the same land. **S**

Where notices to treat have been served for the [^{F2}acquisition of several interests] in any land then, if the acquiring authority so desire, the disputed claims of the persons entitled to those interests shall, so far as practicable, be heard and determined by the same member or members of the Lands Tribunal, and the [^{F3}Secretary of State] may make rules under the ^{M2}Lands Tribunal Act 1949 providing that such claims shall be heard together; but the value of the several interests shall be separately assessed.

Textual Amendments

- F2** Words in s. 10 substituted (28.11.2004) by **Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)**, ss. 71, 77(2), **sch. 12 para. 25(2)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Words substituted by **Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35)**, **Sch. 10 para. 5**

Marginal Citations

- M2** 1949 c. 42.

11 Expenses. **S**

(1) Where either—

- (a) the acquiring authority have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered; or
- (b) the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable them to make a proper offer, a notice in writing of the amount claimed by him, containing the particulars mentioned in subsection (2) of this section;

the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own expenses and to pay the expenses of the acquiring authority so far as they were incurred after the offer was made or, as the case may be, after the time when in the opinion of the Lands Tribunal the notice should have been delivered.

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- (2) The notice mentioned in subsection (1) (b) of this section must state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.
- (3) Where a claimant has delivered such a notice as is mentioned in subsection (1)(b) of this section and has made an unconditional offer in writing to accept any sum as compensation, then, if the sum awarded to him by the Lands Tribunal is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear their own expenses and pay the expenses of the claimant so far as they were incurred after his offer was made.
- (4) The Lands Tribunal may in any case disallow the cost of counsel.
- (5) Where the Lands Tribunal orders the claimant to pay the expenses, or any part of the expenses, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation, if any, payable to him.

Modifications etc. (not altering text)

- C20** S. 11 applied with modifications by Acts listed in [Chronological Table of the Statutes and Local Government, Planning and Land Act 1980 \(c. 65\)](#), **s. 167(9)(13)**
- C21** S. 11 extended with modifications by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 117(1)**
- C22** S. 11 applied by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 10(1)(5), 112(3), Sch. 4 paras. 7(4), 11(3), Sch. 5 para. 6, **Sch. 17 para. 35(1)**
- C23** S. 11 applied (with modifications) (30.10.1994) by S.I. 1994/2716, **reg. 92(4)**
 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 86(2)**, 278(2)
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 S. 11 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 235(4)**, 278(2)
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 S. 11 applied (with modifications) (28.9.2000) by S.S.I. 2000/323, reg. 9(17), **Sch. 6 para. 8(3)**
- C24** S. 11 applied (with modifications) (1.4.2003) by [The Anti-Pollution Works \(Scotland\) Regulations 2003 \(S.S.I. 2003/168\)](#), reg. 1(1), **sch. para. 6(3)**
- C25** S. 11 applied (with modifications) (1.4.2006) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), reg. 1(2), **sch. 7 para. 6(3)** (with regs. 4, 50)
- C26** S. 11 applied (with modifications) (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land by the Scottish Ministers\) Order 2008 \(S.S.I. 2008/200\)](#), arts. 1, **10(4)**
- C27** S. 11 applied (with modifications) (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land on Application\) Order 2008 \(S.S.I. 2008/199\)](#), arts. 1, **11(4)**
- C28** S. 11 applied (with modifications) (26.11.2008 for specified purposes, 1.3.2010 in so far as not already in force) by [Planning Act 2008 \(c. 29\)](#), ss. 165(6), 236, 241(1)(8), **Sch. 12 para. 22(c)** (with s. 226); S.I. 2010/101, art. 3(j) (with art. 6)
- C29** S. 11 applied (with modifications) (31.3.2011) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/209\)](#), reg. 1(2), **sch. 7 para. 6(3)** (with reg. 54)
- C30** S. 11 applied (with modifications) by 1997 c. 9, s. 41D(9) (as inserted (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 23(1)**, 33(2); S.S.I. 2011/174, art. 2, sch.; S.S.I. 2011/372, art. 2, sch.)

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- C31** S. 11 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 55(6)(b), 70(1)**
- C32** S. 11 applied (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 2 para. 14(3)** (with reg. 78, sch. 5 para. 2)

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