

*Status: Point in time view as at 11/08/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Cross Heading: Land held subject to heritable security. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>THIRD SCHEDULE

#### APPLICATION OF PART V TO CERTAIN CASES

##### Textual Amendments

- F1** Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.2](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)

<sup>F2</sup>*Land held subject to heritable security*

##### Textual Amendments

- F2** Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.2](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)

- <sup>F3</sup><sup>4</sup> Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.

##### Textual Amendments

- F3** Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.2](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)

- <sup>F4</sup><sup>5</sup> For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a heritable security.

##### Textual Amendments

- F4** Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.2](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)

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- <sup>F5</sup>6 No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement where the interest acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).]

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**Textual Amendments**

- F5** Sch. 3 (paras. 1-8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 77, [Sch. 16 para.2](#) (with s. 84(5)); S.I. 1991/2092, [art. 3](#)

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