



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART III

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

12 Rules for assessing compensation.

Compensation in respect of any compulsory acquisition shall be assessed in accordance with the following rules:—

- (1) No allowance shall be made on account of the acquisition being compulsory:
- (2) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise:
- (3) The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from ^{F1} . . . the special needs of a particular purchaser or the requirements of any authority possessing compulsory purchase powers:
- (4) Where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the occupants of the premises or to the public health, the amount of that increase shall not be taken into account:
- (5) Where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the official arbiter is satisfied that reinstatement in some other place is bona fide intended, be assessed on the basis of the reasonable cost of equivalent reinstatement:

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 12. (See end of Document for details)

- (6) The provisions of rule (2) shall not affect the assessment of compensation for disturbance or any other matter not directly based on the value of land:
 and the following provisions of this Part of this Act shall have effect with respect to the assessment.

Textual Amendments

- F1** Words in s. 12 rule 3 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), [s. 84\(6\)](#), [Sch. 17 Pt. 1, para. 5](#), [Sch. 19](#), Pt.IV, (with [s. 84\(5\)](#)); S.I. 1991/2092, [art.3](#), [Sch. 1](#) (with savings in [art. 4](#), [Sch. 2 Pt. 1 paras. 4, 6](#))

Modifications etc. (not altering text)

- C1** S. 12 applied with modifications by Acts listed in Chronological Table of the Statutes; modified by [Agriculture Act 1967 \(c. 22\)](#), [s. 50\(8\)](#), [New Towns \(Scotland\) Act 1968 \(c. 16\)](#), [ss. 13, 26](#), [Sch. 5 para. 2](#) and S.I. 1976/1218, [art. 4](#); extended by [Countryside \(Scotland\) Act 1967 \(c. 86\)](#), [s. 70\(4\)](#) and [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [s. 228\(1\)](#)
- C2** S. 12 applied (with modifications) by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), [Sch. 1 para. 9\(a\)](#) and [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), [s. 43\(5\)](#), [Sch. 2 paras. 4, 8](#)
- C3** S. 12 applied (with modifications) (30.10.1994) by S.I. 1994/2716, [reg. 91\(5\)](#)
 S. 12 applied (with modifications) (27.5.1997) by 1997 c. 8, [ss. 87\(1\)](#), [95\(5\)](#), [278\(2\)](#)
 S. 12 applied (27.5.1997) by 1997 c. 8, [ss. 204\(3\)](#), [278\(2\)](#)
 S. 12 applied (27.5.1997) by 1997 c. 8, [ss. 234](#), [278\(2\)](#), [Sch. 9 para. 15\(4\)](#), [Sch. 10 para. 13\(4\)](#)
 S. 12 applied (with modifications) (27.5.1997) by 1997 c. 9, [ss. 27\(1\)](#), [85\(2\)](#) (with [s. 45\(4\)](#))
 S. 12 applied (with modifications) (1.4.1999) by S.I. 1999/481, [reg. 7\(2\)](#)
 S. 12 applied (with modifications) (28.9.2000) by S.S.I. 2000/323, [reg. 9\(17\)](#), [Sch. 6 para. 6\(2\)](#)
- C4** S. 12 applied (with modifications) (1.4.2003) by [The Anti-Pollution Works \(Scotland\) Regulations 2003 \(S.S.I. 2003/168\)](#), [reg. 1\(1\)](#), [sch. para. 5\(1\)](#)
- C5** S. 12 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. 5\(1\)](#) (with [regs. 4, 50](#))
- C6** S. 12 applied (with modifications) (24.6.2009) by [The Environmental Liability \(Scotland\) Regulations 2009 \(S.S.I. 2009/266\)](#), [reg. 1\(b\)](#), [sch. 4 para. 5](#)
- C7** S. 12 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. 5\(1\)](#) (with [reg. 54](#))
- C8** S. 12 applied (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), [reg. 1\(2\)](#), [sch. 6 para. 6\(2\)](#) (with [reg. 71](#))
- C9** S. 12 modified in part (30.4.2015) by [Energy Act 2013 \(c. 32\)](#), [ss. 124\(6\)\(b\)](#), [156\(1\)](#) (with [s. 130](#)); S.I. 2015/817, [art. 2\(a\)](#)
- C10** S. 12 applied by [Communications Act 2003 \(c. 21\)](#), [Sch. 3A para. 84\(3\)\(b\)](#) (as inserted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [s. 118\(6\)](#), [Sch. 1](#) (with [Sch. 2](#)); S.I. 2017/1286, [reg. 2\(b\)](#))
- C11** S. 12 applied (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), [reg. 1](#), [sch. 2 para. 12](#) (with [reg. 78](#), [sch. 5 para. 2](#))

Changes to legislation:

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 12.