



Countryside (Scotland) Act 1967

1967 CHAPTER 86

PART V

GENERAL, FINANCIAL AND SUPPLEMENTARY

70 Supplementary provisions as to compensation under ss. 20, 37 and 62.

- (1) The following provisions shall have effect in respect of compensation under sections 20, 37 and 62 of this Act.
- (2) Any dispute arising on a claim for any such compensation shall be determined by the Lands Tribunal for Scotland, but until sections 1 to 3 of the ^{M1}Lands Tribunal Act 1949 come into force as regards Scotland, any such dispute shall be determined by an official arbiter appointed under Part I of the ^{M2}Land Compensation (Scotland) Act 1963.
- (3) Subject to the provisions of this section the said Act of 1963, so far as appropriate, shall apply in relation to any question of disputed compensation referred to in subsection (1) above as it applies to any such question referred to in section 2(1) of that Act, with the substitution for references to the acquiring authority of references to the authority from whom the compensation in question is claimed.
- (4) Rules 2 to 4 of the rules contained in section 12 of the said Act of 1963 (rules for assessing compensation) shall apply to the calculation of any compensation referred to in subsection (1) above, in so far as it is calculated by reference to the depreciation of the value of an interest in land.
- (5) In the case of an interest in land subject to a heritable security—
 - (a) compensation referred to in subsection (1) above in respect of the depreciation of that interest shall be calculated as if the interest were not subject to the heritable security;
 - (b) a claim or application for the payment of any such compensation, or an application for the recording of a claim in respect of the interest under section 22(1) of this Act, may be made by any person who when the order giving rise to the compensation was made was the heritable creditor, or by any

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
Countryside (Scotland) Act 1967, Section 70. (See end of Document for details)*

person claiming under such a person, but without prejudice to the making of a claim or application by any other person;

- (c) a heritable creditor shall not be entitled to any such compensation in respect of his interest as such; and
- (d) any compensation payable in respect of the interest subject to the heritable security shall be paid to the heritable creditor or, where there is more than one heritable creditor, to the creditor whose heritable security has priority over any other heritable securities secured on the land, and shall in either case be applied by him as if it were proceeds of sale.

- (6) In this section “heritable security” has the same meaning as in the ^{M3}Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation, and “heritable creditor” shall be construed accordingly.

Marginal Citations

- M1** 1949 c. 42.
- M2** 1963 c. 51.
- M3** 1924 c. 27.

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