



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Claims for, and payment of, compensation

143 General provisions as to claims for compensation

- (1) Compensation under this Part of this Act shall not be payable unless a claim for it is duly made to the Secretary of State in accordance with the provisions of this section.
- (2) A claim for compensation under this Part of this Act shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates:

Provided that the Secretary of State may in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making such a claim.

- (3) Regulations made under this section may—
 - (a) require claims for compensation under this Part of this Act to be made in such manner as may be prescribed;
 - (b) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interests of other persons therein which are known to the claimant, as may be so prescribed;
 - (c) require the local planning authority to furnish the Secretary of State with such information (if any) as may be specified in, or in accordance with, the regulations, being information appearing to the Secretary of State to be relevant to the exercise of his powers under the provisions of Part III of

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this Act relating to the review of planning decisions where compensation is claimed.

- (4) Where a claim is received by the Secretary of State under this section—
- (a) if it appears to the Secretary of State that the development to which the planning decision related was not new development, or that at the time of the planning decision no part of the land to which the claim relates had an unexpended balance of established development value, or that compensation is excluded by section 136 or 137 of this Act, the Secretary of State shall notify the claimant accordingly, stating on which of those grounds it appears to him that compensation is not payable;
 - (b) unless the claim is withdrawn, the Secretary of State shall give notice of the claim to every other person (if any) appearing to him to have an interest in the land to which the planning decision related.

144 Effect on claims of direction under s. 35

- (1) Where, in accordance with section 36(3) of this Act, the Secretary of State gives notice of a direction under section 35 of this Act to a person who has made a claim for compensation in respect of the planning decision to which that direction relates, that person, if he does not withdraw the claim, may, at any time within thirty days after the service on him of the Secretary of State's notice, give notice to the Secretary of State modifying the claim.
- (2) Subject to any modification by virtue of a notice given by a claimant under subsection (1) of this section, where the Secretary of State gives a direction under section 35 of this Act in respect of a decision of a local planning authority, any claim made in respect of that decision shall have effect as if it had been made in respect of the decision which, by virtue of the direction, is substituted for the decision of the authority, or, as the case may be, as if it had been made in respect of the decision of the authority as modified by the direction.

145 Determination of claims

- (1) Provision shall be made by regulations under this section—
- (a) for requiring claims for compensation under this Part of this Act to be determined by the Secretary of State in such manner as may be prescribed by the regulations;
 - (b) for regulating the practice and procedure to be followed in connection with the determination of such claims;
 - (c) for requiring the Secretary of State, on determining any such claim, to give notice of his determination to the claimant, and to every other person (if any) who has made, and not withdrawn, a claim for compensation under this Part of this Act in respect of the same planning decision, and, if his determination includes an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land appearing to the Secretary of State to be an interest substantially affected by the apportionment.
- (2) Subject to subsection (3) of this section, provision shall be made by regulations under this section—
- (a) for enabling the claimant or any other person to whom notice of the Secretary of State's determination has been given in accordance with subsection (1) of

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- this section, if he wishes to dispute the determination, and any other person to whom particulars of an apportionment included in that determination have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require the determination, or, as the case may be, the apportionment, to be referred to the Lands Tribunal;
- (b) for enabling the claimant and every other person to whom notice of any determination or apportionment has been given as mentioned in paragraph (a) of this subsection to be heard by the Tribunal on any reference under this section of that determination or apportionment, as the case may be; and
 - (c) for requiring the Tribunal, on any such reference, either to confirm or to vary the Secretary of State's determination or the apportionment, as the case may be, and to notify the parties of the decision of the Tribunal.
- (3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment, and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

146 Payment of compensation

Where compensation is determined under section 145 of this Act to be payable, the Secretary of State shall pay the compensation to the person entitled thereto in accordance with the preceding provisions of this Part of this Act.