



# Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

## 1972 CHAPTER 52

### PART VIII

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

##### *Supplementary provisions*

#### **167 General provisions as to compensation for depreciation under Part VIII.**

- (1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 12 of the <sup>M1</sup>Land Compensation (Scotland) Act 1963 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) [<sup>F1</sup>Subject to regulations under section 167A of this Act, this] section applies to any compensation which, under the preceding provisions of this Part of this Act, other than section 163, 164 or 166, is payable in respect of depreciation of the value of an interest in land.
- (3) In relation to the assessment of compensation payable under section 153 of this Act, the value of any interest may be a minus quantity.
- (4) Where an interest in land is subject to a heritable security—
  - (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the security;
  - (b) a claim for any such compensation may be made by any creditor in a heritable security over the interest, but without prejudice to the making of a claim by the person entitled to the interest;

*Status: Point in time view as at 01/01/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Cross Heading: Supplementary provisions. (See end of Document for details)*

- (c) no compensation to which this section applies shall be payable in respect of the interest of the creditor in the heritable security (as distinct from the interest which is subject to the security); and
- (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the heritable security shall be paid to the creditor in the security, or, if there is more than one such creditor, to the creditor whose security ranks first, and shall in either case be applied by him as if it were proceeds of sale by him under the powers competent to creditors in heritable securities.

#### Textual Amendments

**F1** Words substituted by [Town and Country Planning \(Minerals\) Act 1981 \(c. 36\), s. 35, Sch. 2 para. 6](#)

#### Modifications etc. (not altering text)

**C1** [S. 167\(1\)\(2\)](#) extended by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 117(2)** (with [s. 128\(1\)](#))

**C2** [S. 167\(4\)](#) extended by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 118** (with [s. 128\(1\)](#))

#### Marginal Citations

**M1** [1963 c. 51.](#)

### [<sup>F2</sup>167A <sup>F2</sup>Regulations as to compensation in respect of orders relating to mineral working.

- (1) The Secretary of State may by regulations made with the consent of the Treasury provide, in relation to orders made under—
  - (a) section 42 of this Act modifying planning permission for development consisting of the winning or working of minerals or involving the depositing of mineral waste; or
  - (b) section 49, 49A or 49B of this Act with respect to such winning and working or depositing,
 that sections 153, 159, 167, 226 and 227 of this Act shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations made by virtue of this section may make provision—
  - (a) as to circumstances in which compensation is not to be payable;
  - (b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;
  - (c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,
 and may also make different provision for different cases, and incidental or supplementary provision.
- (3) No regulations under this section shall have effect until approved by a resolution of each House of Parliament.
- (4) Before making any such regulations, the Secretary of State shall consult such persons as appear to him to be representative—
  - (a) of persons carrying out mining operations;
  - (b) of owners of interests in land containing minerals;

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(c) of planning authorities.]

**Textual Amendments**

**F2** S. 167A substituted (24.1.1992) by [Planning and Compensation Act 1991 \(c.34, SIF 123:2\)](#), s. 51, [Sch. 8 para.11](#) (with [ss. 53, 84\(5\)](#)); S.I. 1992/71, [art. 2](#)

**Modifications etc. (not altering text)**

**C3** S. 167A modified (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), [Sch. 13 para. 15\(6\)](#) (with [ss. 7\(6\), 115, 117](#)); S.I. 1996/2857, [art. 2](#)

S. 167A modified (1.1.1997) by [1995 c. 25, s. 96\(1\)](#), [Sch. 14 para. 13\(6\)](#) (with [ss. 7\(6\), 115, 117](#)); S.I. 1996/2857, [art. 2](#)

<sup>F3</sup>167B .....

**Textual Amendments**

**F3** S. 167B omitted (24.1.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), [ss. 51, 84\(6\)](#), [Sch. 8, para.12](#), [Sch. 19, Pt. IV](#), with s. 84(5); S.I. 1992/71, [art.2](#)

<sup>F4</sup>167C .....

**Textual Amendments**

**F4** S. 167C omitted (24.1.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), [ss. 51, 84\(6\)](#), [Sch. 8, para. 12](#), [Sch. 19, Pt.IV](#), with s. 84(5); S.I. 1992/71, [art. 2](#)

**168 Determination of claims for compensation.**

(1) Except in so far as may be otherwise provided by section 164(5) of this Act, by any tree preservation order or by any regulations made under this Act, any question of disputed compensation under this Part of this Act [<sup>F5</sup>including any question of disputed compensation under section 153, 159, 167, 226 or 227 of this Act as modified by regulations under section 167A of this Act] shall be referred to and determined by the Lands Tribunal.

(2) In relation to the determination of any such question, the provisions of sections 9 and 11 of the <sup>M2</sup>Land Compensation (Scotland) Act 1963 shall apply, subject to any necessary modifications and to the provisions of any regulations made under this Act.

**Textual Amendments**

**F5** Words inserted by [Town and Country Planning \(Minerals\) Act 1981 \(c. 36\)](#), [ss. 32, 35](#)

**Marginal Citations**

**M2** 1963 c. 51.

**Status:**

Point in time view as at 01/01/1997.

**Changes to legislation:**

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