



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Unexpended balance of established development value

124 Derivation of unexpended balance from claims under Part V of Act of 1947

- (1) In determining, for the purposes of this Part of this Act, whether land has an unexpended balance of established development value, regard shall be had to claims made, in pursuance of Part V of the Act of 1947, for payments under the scheme provided for by section 55 of that Act (that is to say, the scheme which, but for the provisions of section 2 of the Town and Country Planning Act 1953, would have fallen to be made under the said section 55, providing for payments in respect of interests in land depreciated in value by virtue of the provisions of the Act of 1947).
- (2) Where such a claim was made in respect of an interest in land, that claim shall for the purposes of this Part of this Act be taken to have been established in respect of that land under Part V of the Act of 1947 if an amount was determined under the said Part V as being the development value of the interest to which the claim related, and payment in respect of that interest would not have been excluded—
 - (a) by section 60 of the Act of 1947 (which excluded claims where the development value was small in proportion to the area, or to the restricted value, of the land); or
 - (b) by any of sections 79 to 82 of that Act (which related to certain land belonging to local authorities, development corporations and statutory undertakers, and to land held on charitable trusts); or
 - (c) by section 81 of that Act as applied by regulations under section 86 of that Act (which related to the National Coal Board).

- (3) In this Part of this Act " established claim " means a claim which by virtue of subsection (2) of this section is to be taken to have been established as therein mentioned, and references to the establishment of a claim shall be construed accordingly; and " the claim area ", in relation to an established claim, means the land in respect of which the claim is by virtue of that subsection to be taken to have been established.
- (4) References in this Part of this Act to the benefit of an established claim—
- (a) in relation to any time before the passing of the Town and Country Planning Act 1953, whether before or after the making of the claim, or before or after the establishment thereof, shall be construed as references to the prospective right, under and subject to the provisions of the scheme referred to in subsection (1) of this section, to receive a payment in respect of the interest in land to which the claim related; and
 - (b) in relation to any time after the passing of the said Act of 1953, shall be construed as references to such prospective right to the satisfaction of the claim as subsisted by virtue of section 2 of that Act immediately before 1st January 1955 (being the date of the commencement of the Act of 1954);
- and references to part of the benefit of an established claim shall be construed accordingly.
- (5) References in this Part of this Act to the amount of an established claim are references to the amount determined under Part V of the Act of 1947 as being the development value of the interest in land to which the claim related.
- (6) In this section any reference to Part V of the Act of 1947 includes a reference to the provisions of the said Part V as modified by Schedule 1 to the Act of 1954.