



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART I

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

17 Interpretation of Part I.

(1) In this Part of this Act—

“the appropriateroads authority” means—

- (a) except where paragraph (b) below applies, the [^{F1}roads authority] who constructed the [^{F1}road] to which the claim relates;
- (b) if and so far as the claim relates to depreciation that would not have been caused but for alterations to the carriageway of a [^{F1}road], the [^{F1}roads authority] who carried out the alterations;

“claim” means a claim under this Part of this Act and “the claimant” means the person making such a claim;

... ^{F2}

[^{F3}“the first claim day” has the meaning given in section 3(2) above;]

..... ^{F4};

..... ^{F4};

“land” includes salmon fishings;

“public works” and “responsible authority” have the meaning given in section 1 above;

“the relevant date” has the meaning given in sections 1(9) and 9(2) above.

(2) For the purposes of sections 2(1), 11(1) and 12(2) above an interest acquired or disposed of, or a tenancy granted, pursuant to a contract shall be treated as acquired, disposed of or granted when the contract was made.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 17. (See end of Document for details)

[^{F5}(2A) Section 6 of the ^{M1}Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under this Part of this Act, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the first claim day.]

(3) In the application of this Part of this Act to a road which has not always since 17th October 1969 been a [^{F1}road]—

- (a) references to its being open to public traffic shall be construed as references to its being so open whether or not as a [^{F1}road];
- (b) for references to the [^{F1}roads authority] who constructed it there shall be substituted references to the [^{F1}roads authority] for the [^{F1}roads];

and no claim shall be made if the relevant date falls at a time when the road was not a highway and the road does not become a highway within three years of that date, . . . ^{F6}

Textual Amendments

- F1** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 72(2)(3)**
- F2** Definition repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 112(5)(9), **Sch. 34 Pt. XII** except in cases where the relevant date was more than 3 years before 13.11.1980
- F3** Definition inserted by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 112(5)(9) except in cases where the relevant date was more than 3 years before 13.11.1980
- F4** Definitions of “highway” and “highway authority” repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 72(2)–(4)**, **Sch. 11**
- F5** S. 17(2A) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 112(7)(9) except in cases where the relevant date was more than 3 years before 13.11.1980
- F6** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 112(8)(9), **Sch. 34 Pt. XII** except in cases where the relevant date was more than 3 years before 13.11.1980

Marginal Citations

- M1** 1973 c. 52.

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