



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART II

MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

Insulation against noise

18 Sound-proofing of buildings affected by public works.

- (1) The Secretary of State may make regulations imposing a duty or conferring a power on responsible authorities to insulate buildings against noise caused or expected to be caused by the construction or use of public works or to make grants in respect of the cost of such insulation.
- (2) Regulations under this section may—
 - (a) make provision as to the level of noise giving rise to a duty or power under the regulations and the area in which a building must be situated if a duty or power is to arise in respect of it;
 - (b) specify the classes of public works and of buildings in respect of which a duty or power is to arise, and the classes of persons entitled to make claims, under the regulations;
 - (c) specify the nature and extent of the work which is to be undertaken under the regulations and the expenditure in respect of which and the rate at which grants are to be made under the regulations;
 - (d) make the carrying out of work or the making of grants under the regulations dependent upon compliance with conditions;
 - (e) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed;
 - (f) make provision for the settlement of disputes arising under the regulations.
- (3) Without prejudice to the generality of paragraph (a) of subsection (2) above, regulations made by virtue of that paragraph may provide for the relevant level of noise or the relevant area in a particular case to be determined by reference to a document

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published by or on behalf of the Secretary of State or by any other authority or body or in such other manner as may be provided in the regulations.

- (4) If regulations under this section impose a duty or confer a power to carry out, or make a grant in respect of the cost of, work in respect of a building which is subject to a tenancy on a claim in that behalf made by the landlord or the tenant, provision may also be made by the regulations for enabling the work to be carried out notwithstanding the withholding of consent by the other party to the tenancy.
- (5) Regulations under this section may authorise or require local authorities to act as agents for responsible authorities in dealing with claims and in discharging or exercising the duties or powers of responsible authorities under the regulations, and may provide for the making by responsible authorities of payments to local authorities in respect of anything done by them as such agents.
- (6) Regulations under this section may contain such supplementary provisions as appear to the Secretary of State to be necessary or expedient and may make different provision with respect to different areas or different circumstances.
- (7) The power to make regulations under this section shall be exercisable by statutory instrument.
- (8) A draft of any regulations under this section shall be laid before Parliament and the first regulations shall not be made unless the draft has been approved by a resolution of each House of Parliament.
- (9) The purposes for which advances may be made by the Secretary of State under [F¹section 3 of the Roads (Scotland) Act 1984] shall include the discharge or exercise by a [F²roads authority] of any duty or power imposed or conferred on the authority under this section.
- (10) In sections 24(4) and 29(a) of the M¹Rent (Scotland) Act 1971 (increase of rent for improvements) after the words “section 15 of the M²Airports Authority Act 1965 (grants towards the cost of soundproofing)” there shall be inserted the words “or regulations under section 18 of the Land Compensation (Scotland) Act 1973”.
- (11) In this section “public works” and “responsible authority” have the same meaning as in section 1 above except that “public works” does not include an aerodrome and except that “responsible authority” in relation to a highway, includes any authority having power to make an order in respect of that highway under section 1 or 6 of the M³Road Traffic Regulation Act 1967 (traffic regulation orders).

Textual Amendments

- F1** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 72\(5\)](#)
F2 Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 72\(2\)\(3\)](#)

Modifications etc. (not altering text)

- C1** The text of Ss. 18(10), 34(7), 61, 62, 71(2)(3)(4), 72, 77(2)(3), Sch.2 pt.1 and pt.II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1971 c. 28](#)
M2 [1965 c. 16](#)

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M3 1967 c. 76.

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