



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART II

MITIGATION OF INJURIOUS EFFECT OF PUBLIC WORKS

Expenses of persons moving temporarily during construction works etc.

- 26 Power to pay expenses of persons moving temporarily during construction works etc.**
- (1) This section has effect where works are carried out—
- (a) by a highway authority for the construction or improvement of a road ; or
 - (b) by a responsible authority for the construction or alteration of any public works other than a road,
- and the carrying out of those works affects the enjoyment of a dwelling adjacent to the site on which they are being carried out to such an extent that continued occupation of the dwelling is not reasonably practicable.
- (2) Subject to subsection (3) below, the highway authority or responsible authority, as the case may be, may pay any reasonable expenses incurred by the occupier of the dwelling in providing suitable alternative residential accommodation for himself and members of his household for the whole or any part of the period during which the works are being carried out.
- (3) No payment shall be made to any person under this section in respect of any expenses except in pursuance of an agreement made between that person and the authority concerned before the expenses are incurred; and no payment shall be so made except in respect of the amount by which the expenses exceed those which that person would have incurred if the dwelling had continued to be occupied.
- (4) In this section—
- (a) " highway authority " has the same meaning as in the Roads (Scotland) Act 1970; and

Status: This is the original version (as it was originally enacted).

- (b) " public works " and " responsible authority " have the same meaning as in section 1 above.