



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Home loss payments

27 Right to home loss payment where person displaced from dwelling.

- (1) Where a person is displaced from a dwelling on any land in consequence of—
- (a) the compulsory acquisition of an interest in the dwelling;
 - (b) the making, passing or acceptance of a housing order, resolution or undertaking in respect of the dwelling;
 - (c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of [^{F1}any improvement to the dwelling or of] redevelopment on the land,
 - [^{F2}(d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered,]
 - [^{F3}(e) a requirement to remove from the building containing the dwelling in pursuance of [^{F4}section 29] of the Building (Scotland) Act [^{F5}2003 (asp 8)] (dangerous buildings) or any other enactment which requires the demolition of the building on account of its condition,]
 - [^{F6}(f) an order for recovery of possession of the dwelling under section [^{F7}16(2) of the Housing (Scotland) Act 2001 (asp 10) on the ground set out in paragraph 10 of schedule 2] to that Act,]

he shall, subject to the provisions of this section and section 29 below, be entitled to receive a payment (hereafter referred to as a “home loss payment”) from

- [^{F8}(i) where paragraph (a) above applies, the acquiring authority;

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- (ii) where paragraph (b) above applies, the authority who made the order, ^{F9} . . . or accepted the undertaking; and
 - (iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment; ^{F9} . . .
 - (iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.]]^{F10}and]
 - [^{F11}(v) where paragraph (e) above applies the authority requiring the removal.]
 - [^{F12}(vi) where paragraph (f) above applies, the landlord.]
- ^{F13}(2) A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—
- (a) he has been in occupation of the dwelling, or a substantial part of it, as his only or main residence; and
 - (b) he has been in such occupation by virtue of an interest or right to which this section applies,
- but, if those conditions are satisfied on the date of displacement, a payment (referred to in this section and sections 29 and 30 below as a “discretionary payment”) may be made to him of an amount not exceeding the amount to which he would have been entitled if he had satisfied those conditions throughout that period.]
- (3) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if he gives up his occupation thereof before the date on which the acquiring authority were authorised to acquire that interest, but, subject to that, it shall not be necessary for the acquiring authority to have required him to give up his occupation of the dwelling.
- [^{F14}(3A) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of [^{F15}(a)] the carrying out of any improvement to the dwelling [^{F16}or; (b) a requirement to remove as mentioned in subsection (1)(e) above] unless he is permanently displaced from it in consequence of the carrying out of the improvement in question [^{F17}or removal as the case may be.]]
- (4) This section applies to the following interests and rights—
- (a) any interest in the dwelling;
 - ^{F18}[(b) a right to occupy the dwelling-house—
 - (i) as a statutory tenant within the meaning of the Rent (Scotland) Act 1984; or
 - (ii) under a contract to which Part VII of that Act applies or would apply if the contract or dwelling-house were not excluded by section 63(3) to (5) or under section 64(3) respectively of that Act; and] - [^{F19}(bb) a right to occupy the dwelling as a statutory assured tenant within the meaning of the Housing (Scotland) Act 1988;]
 - (c) a right to occupy the dwelling under a contract of employment.
- ^{F20}(5)
- (6) Where an authority possessing compulsory purchase powers acquire the interest of any person in a dwelling by agreement, then, in relation to any other person who is displaced from the dwelling in consequence of the acquisition, subsections (1) to (4) above shall have effect as if the acquisition were compulsory and the authority (if not authorised to acquire the interest compulsorily) had been so authorised on the date of the agreement.

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- (7) In this section “a housing order, resolution or undertaking” means—
- (a) a demolition or closing order under Part ^{F21}VI of the Housing (Scotland) Act ^{F21}1987^{F22} or an order under section ^{F21}88 of that Act^{F22};
 - (b) a resolution under section ^{F23}125 of the said Act . . . ^{F24}, . . . ^{F25}
 - (c) an undertaking accepted under section ^{F26}117(2)(a) of the said Act . . . ^{F27}; ^{F28} or
 - (d) a final resolution under Part ^{F29}I of Schedule 8 to that Act^{F29}

. . . ^{F30}

^{F31}(7A) In this section “improvement” includes alteration and enlargement; and “redevelopment” includes a change of use]

- (8) Where an interest in a dwelling is vested in trustees and a person beneficially entitled (whether directly or derivatively) under the trust is entitled or permitted by reason of his interest to occupy the dwelling, he shall be treated for the purposes of this section as occupying it by virtue of an interest in the dwelling.
- (9) ^{F32}Subject to subsection (2) above,] this section applies if the date of displacement is on or after 17th October 1972 ^{F33}except that, where the displacement is in consequence of the circumstances referred to in subsection (1)(e) above, it applies if the date of displacement is on or after the coming into force of paragraph 12 of Schedule 2 to the ^{M1}Housing (Financial Provisions) (Scotland) Act 1978.]

Textual Amendments

- F1** Words inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 42(1)(a)**
- F2** S. 27(1)(d) substituted by Housing Rents and Subsidies (Scotland) Act 1975 (c. 28), **Sch. 3 para. 9(1)**
- F3** S. 27(1)(e) inserted by Housing (Financial Provisions) (Scotland) Act 1978 (c. 14), **Sch. 2 para. 12(a)(i)**
- F4** Words in s. 27(1)(e) substituted (1.5.2005) by Building (Scotland) Act 2003 (asp 8), s. 59(1), **sch. 6 para. 7(2)(a)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F5** Words in s. 27(1)(e) substituted (1.5.2005) by Building (Scotland) Act 2003 (asp 8), s. 59(1), **sch. 6 para. 7(2)(b)** (with s. 53); S.S.I. 2004/404, art. 2(1)
- F6** S. 27(1)(f) inserted by Housing (Scotland) Act 1986 (c. 65, SIF 61), **s. 20(2)(a)**
- F7** Words in s. 27(1)(f) substituted (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 3(a)**; S.S.I. 2002/321, art. 2, **Sch.** (subject to transitional provisions and savings in arts. 3-5)
- F8** Paras. (i) to (iv) substituted for words by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 42(1)(b)**
- F9** Words in s. 27(1)(ii) and 'and' following para. (iii) repealed (25.9.1991) (subject to limitation referred to in S.I. 1991/2092, art. 4(2), **Sch. 2 Pt. II**) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), s. 79, 84(6), Sch. 17, Pt. II, para. 20(2), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1991/2092, **art. 3**
- F10** Word after s. 27(1)(iv) inserted (25.9.1991) (subject to limitation referred to in S.I. 1991/2092, art. 4(2), **Sch. 2**, Pt. II) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), s. 79, **Sch. 17**, Pt. II, para. 20(2)(c) (with s. 84(5)); S.I. 1991/2092, **art. 3**
- F11** Para. (v) added by Housing (Financial Provisions) (Scotland) Act 1978 (c. 14), **Sch. 2 para. 12(a)(ii)**
- F12** S. 27(1)(vi) inserted by Housing (Scotland) Act 1986 (c. 65, SIF 61), **s. 20(2)(b)**
- F13** S. 27(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), **s. 71(1)(9)** (with s. 84(5)); S.I. 1991/2092, **art. 3**
- F14** S. 27(3A) inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 42(2)**
- F15** Word inserted by Housing (Financial Provisions) (Scotland) Act 1978 (c. 14), **Sch. 2 para. 12(b)(i)**
- F16** Words inserted by Housing (Financial Provisions) (Scotland) Act 1978 (c. 14), **Sch. 2 para. 12(b)(ii)**
- F17** Words added by Housing (Financial Provisions) (Scotland) Act 1978 (c. 14), **Sch. 2 para. 12(b)(iii)**

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- F18** S. 27(4)(b) substituted (25.9.1991) (subject to limitation referred to in S.I. 1991/2092, art. 4(2), Sch. 2, Pt. II) by **Planning and Compensation Act 1991 (c. 34, SIF 28:2)**, s. 79, **Sch. 17**, Pt. II, para. 20(3) (with s. 84(5); S.I. 1991/2092, **art. 3**)
- F19** S. 27(4)(bb) inserted by **Housing (Scotland) Act 1988 (c. 43, SIF 61)**, s. 72(2), **Sch. 9 para. 1**
- F20** S. 27(5) repealed (25.9.1991) (subject to limitation referred to in S.I. 1991/2092, art. 4(2), **Sch. 2**, Pt. II) by **Planning and Compensation Act 1991 (c. 34, SIF 28:2)**, ss. 71(2)(9), 84(6), **Sch. 19**, Pt. IV (with s. 84(5); S.I. 1991/2092, **art. 3**)
- F21** Words substituted by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 19(2)**
- F22** Words added by **Housing (Financial Provisions) (Scotland) Act 1978 (c. 14)**, **Sch. 2 para. 39**
- F23** Words substituted by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 19(2)(b)**
- F24** Words repealed by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 19(2)(b)**
- F25** Word repealed by **Housing (Scotland) Act 1974 (c. 45)**, **Sch. 5**
- F26** Words substituted by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 19(2)(c)**
- F27** Words repealed by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 19(2)(c)**
- F28** S. 27(7)(d) inserted by **Housing (Scotland) Act 1974 (c. 45, SIF 61)**, **Sch. 3 para. 48**
- F29** Words substituted by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 19(2)(d)**
- F30** Words repealed by **Housing Act 1974 (c. 44)**, s. 130, **Sch. 15**
- F31** S. 27(7A) inserted by **Housing Act 1974 (c. 44)**, s. 130, **Sch. 13 para. 42(3)**
- F32** Words inserted by **Housing Rents and Subsidies (Scotland) Act 1975 (c. 28)**, **Sch. 3 para. 9(3)**
- F33** Words added by **Housing (Financial Provisions) (Scotland) Act 1978 (c. 14, SIF 61)**, **Sch. 2 para. 12(c)**

Marginal Citations

- M1** 1978 c. 14.

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