



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 redevelopment on the land,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 the acquiring authority, the authority who made the order, passed the resolution or accepted the undertaking or the authority carrying out the redevelopment, as the case may be.
- (2) A person shall not be entitled to a home loss payment unless throughout a period of not less than five years 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 occupation as aforesaid by virtue of an interest or right to which this section applies.
- (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

Status: This is the original version (as it was originally enacted).

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.

- (4) This section applies to the following interests and rights—
- (a) any interest in the dwelling ;
 - (b) a right to occupy the dwelling as a statutory tenant within the meaning of the Rent (Scotland) Act 1971 or under a contract to which Part VII of that Act (furnished lettings) applies or would apply if the contract or dwelling were not excluded by section 85(3)(a) or 86 of that Act;
 - (c) a right to occupy the dwelling under a contract of employment.
- (5) No home loss payment shall be made to any person displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if the acquisition is in pursuance of the service by him of a blight notice within the meaning of section 181 of the Town and Country Planning (Scotland) Act 1972 or of a notice under section 11 of the New Towns (Scotland) Act 1968.
- (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.
- (7) In this section " a housing order, resolution or undertaking " means—
- (a) a demolition or closing order under Part II of the Housing (Scotland) Act 1966 ;
 - (b) a resolution under section 56 of the said Act of 1966 ; or
 - (c) an undertaking accepted under section 15(4)(i) of the said Act of 1966 ;
- 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) This section applies if the date of displacement is on or after 17th October 1972.