



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Home loss payments

29 Supplementary provisions about home loss payments.

- (1) [^{F1}No home loss payment shall be made except on a claim in that behalf made by the person entitled thereto (“the claimant”)]; and any such claim shall be in writing and shall be accompanied or supplemented by such particulars as the authority responsible for making the payment may reasonably require to enable them to determine whether the claimant is entitled to a payment and, if so, its amount.
- (2) A home loss payment shall be made not later than three months after the date on which a claim for the payment is made in accordance with subsection (1) above or, if those three months end before the date of displacement, on the date of displacement.
- (3) Where the claimant has been in occupation of a dwelling or a substantial part of it as mentioned in paragraphs (a) and (b) of section 27(2) above for any period (“the claimant’s own qualifying period”) and has also for an immediately preceding period resided in the dwelling, or a substantial part of it, as his only or main residence but without being in occupation as required by those paragraphs then, if another person was, or other persons successively were, in occupation thereof as mentioned in those paragraphs throughout that preceding period, the claimant’s own qualifying period shall be treated for the purposes of section 27(2) above as including that preceding period.
- (4) [^{F2}Where a person (“the deceased”) entitled to a home loss payment dies without having claimed it, a claim to the payment may be made] by any person, not being a person under the age of eighteen, who—

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 29. (See end of Document for details)

- (a) throughout a period of not less than five years ending with the date of displacement of the deceased, has resided in the dwelling, or a substantial part of it, as his only or main residence; and
 - (b) is entitled to benefit by virtue of—
 - (i) a testamentary disposition or any other deed with testamentary effect taking effect on, or the law of intestate succession as applied to, the death of the deceased; or
 - (ii) a right to *jus relictii*, *jus relictiae* or *legitim* of the deceased's estate.
- (5) Where the claimant has successively been in occupation of or resided in different dwellings in the same building, being dwellings consisting of a room or rooms not constructed or structurally adapted for use as a separate dwelling, section 27(2) above and subsections (3) and (4) above shall have effect as if those dwellings were the same dwelling.
- (6) Where there are two or more persons entitled to make a claim to a home loss payment in respect of the same dwelling (whether by virtue of joint occupation or of subsection (4) above) the payment to be made on each claim shall be equal to the whole amount of the home loss payment divided by the number of such persons.
- (7) Where an interest in a dwelling is acquired by agreement by an authority possessing compulsory purchase powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any home loss payment which they would be required to make to him if the acquisition were compulsory and the authority had been authorised to acquire that interest before he gave up occupation of the dwelling.

[^{F3}(7A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make a home loss payment, and in relation to such obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the date of displacement.]

[^{F4}(7AA) If a landlord recovers possession of a dwelling by agreement—

- (a) after serving notice under section [^{F5}47 and 48(2) of the Housing (Scotland) Act ^{M1}1987] on the tenant specifying the ground set out in paragraph 10 of Part I of Schedule [^{F53}]to that Act; or
- (b) where, but for that agreement, it would have served such notice on him specifying that ground,

it may, in connection with the recovery, make to him a payment corresponding to any home loss payment which it would be required to make to him if the recovery were by order under section 15(2) of that Act.]

(8) ^{F6}

Textual Amendments

- F1** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 114\(2\)\(6\)](#) except in cases where the date of displacement was more than 6 months before 13.11.1980
- F2** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 114\(3\)\(6\)](#) except in cases where the date of displacement was more than 6 months before 13.11.1980
- F3** [S. 29\(7A\)](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 114\(5\)\(6\)](#) except in cases where the date of displacement was more than 6 months before 13.11.1980
- F4** [S. 29\(7AA\)](#) inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\), s. 20\(3\)](#)

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F5 Words substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(3)**

F6 S. 29(8) repealed by Local Government, Planning and Land Act 1980 (c. 65), **Sch. 34 Pt. XII**

Marginal Citations

M1 1987 c.26 (61).

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