



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Rehousing

36 Duty to rehouse residential occupiers

- (1) Where a person is displaced from residential accommodation on any land in consequence of—
- (a) the acquisition of the land by an authority possessing compulsory purchase powers;
 - (b) the making, passing or acceptance of a housing order, resolution or undertaking in respect of a house or building on the land;
 - (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,
- and suitable alternative residential accommodation on reasonable terms is not otherwise available to that person, then, subject to the provisions of this section, it shall be the duty of the relevant authority to secure that he will be provided with such other accommodation.
- (2) Subsection (1) above shall not by virtue of paragraph (c) thereof apply to a person 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.
- (3) Subsection (1) above shall not apply to any person who is a trespasser on the land or who has been permitted to reside in any house or building on the land pending its demolition.
- (4) Subsection (1) above shall not apply to any person to whom money has been advanced—

Status: This is the original version (as it was originally enacted).

- (a) under section 38 below ;
 - (b) under the Small Dwellings Acquisition (Scotland) Acts 1899 to 1923 or section 49 of the Housing (Financial Provisions) (Scotland) Act 1968 ; or
 - (c) by a development corporation otherwise than under section 38 below,
- for the purpose of enabling him to obtain accommodation in substitution for that from which he is displaced as mentioned in that subsection.
- (5) Subsection (1)(a) above shall not apply to any acquisition of land in relation to which the Secretary of State has before 23rd May 1973 decided under paragraph 1 of Schedule 8 to the Housing (Scotland) Act 1966 that a housing scheme is not necessary.
- (6) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition or redevelopment as is mentioned in paragraph (a) or (c) of that subsection unless he was residing in the accommodation in question—
- (a) in the case of land acquired under a compulsory purchase order, at the time when notice was first published of the making of the order prior to its submission for confirmation or, where the order did not require confirmation, of the preparation of the order in draft;
 - (b) in the case of land acquired under an Act specifying the land as subject to compulsory acquisition, at die time when the provisions of the Bill for the Act specifying the land were first published ;
 - (c) in the case of land acquired by agreement, at the time when the agreement was made;
- and a person shall not be treated as displaced in consequence of any such order, resolution or undertaking as is mentioned in paragraph (b) of that subsection unless he was residing in the accommodation in question at the time when the order was made, the resolution was passed or the undertaking was accepted.
- (7) Subject to subsection (8) below, " the relevant authority " for the purposes of this section is the local authority having functions in relation to the district where the land is situated under Part VII of the Housing (Scotland) Act 1966.
- (8) Where the land is in an area designated as the site of a new town—
- (a) paragraph (c) of subsection (1) above shall apply if the land on which the redevelopment is carried out has been previously acquired by the development corporation and is for the time being held by theft corporation;
 - (b) the development corporation shall, in a case falling within paragraph (a) or (c) of that subsection, be the relevant authority for the purposes of this section.
- (9) In this section " a housing order, resolution or undertaking " and " redevelopment" have the same meaning as in section 27 above.