



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART I

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

8 Other restrictions on compensation.

- (1) Where a claim has been made in respect of depreciation of the value of an interest in land caused by the use of any public works and compensation has been paid or is payable on that claim, compensation shall not be payable on any subsequent claim in relation to the same works and the same land or any part thereof (whether in respect of the same or a different interest) except that, in the case of land which is a dwelling, this subsection shall not preclude the payment of compensation both on a claim in respect of the ownership of the dominium utile and on a claim in respect of a tenancy.
- (2) Where a person is entitled to compensation in respect of the acquisition of an interest in land by an authority possessing compulsory purchase powers, or would be so entitled if the acquisition were compulsory, and—
 - (a) the land is acquired for the purposes of any public works; and
 - (b) that person retains land which, in relation to the land acquired, constitutes other land or lands within the meaning of section 61 of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845 (compensation for acquisition to include compensation for injurious affection of other land retained),

then, whether or not any sum is paid or payable in respect of injurious affection of the land retained, compensation shall not be payable under this Part of this Act on any claim in relation to those works made after the date of service of the notice to treat (or, if the acquisition is by agreement, the date of the agreement) in respect of any interest in the land retained.

- (3) Subsection (2) above applies whether the acquisition is before, on or after 23rd June 1973 and, where it is on or after that date, the public works for the purposes of which the land is acquired shall be taken to be those specified in the relevant particulars recorded under subsection (4) below.

*Changes to legislation: There are currently no known outstanding effects for the
 Land Compensation (Scotland) Act 1973, Section 8. (See end of Document for details)*

- (4) Where on or after 23rd June 1973 an authority possessing compulsory purchase powers acquires land for the purposes of any public works and the person from whom the land is acquired retains land which, in relation to the land acquired, constitutes other land or lands within the meaning of the section mentioned in subsection (2) above, the authority shall cause particulars of the land retained and the nature and extent of those works to be recorded in the Register of Sasines and shall send a copy of those particulars to the local planning authority.
- (5) In a case in which compensation for injurious affection fell or falls to be assessed otherwise than in accordance with section 41 below, subsection (2) above shall not preclude the payment of compensation under this Part of this Act in respect of depreciation by public works so far as situated elsewhere than on the land acquired.
- (6) Where after a claim has been made in respect of any interest in land the whole or part of the land in which that interest subsists is compulsorily acquired, then, if—
- (a) the value of that land has been diminished by the public works to which the claim relates; but
 - (b) the compensation in respect of the compulsory acquisition falls to be assessed without regard to the diminution,
- the compensation in respect of the acquisition shall be reduced by an amount equal to the compensation paid or payable on the claim or, if the acquisition extends only to part of the land, to so much of the last-mentioned compensation as is attributable to that part.
- (7) Without prejudice to the foregoing provisions of this section, compensation shall not be payable in respect of the same depreciation both under this Part of this Act and under any other enactment.

Modifications etc. (not altering text)

C1 S. 8(1) modified by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 113\(8\)](#)

Marginal Citations

M1 1845 c. 19.

Changes to legislation:

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 8.