



Planning and Compensation Act 1991

1991 CHAPTER 34

PART IV

LAND COMPENSATION - SCOTLAND

72 Home loss payments: spouses having statutory occupancy rights.

After section 27 of the ^{M1}Land Compensation (Scotland) Act 1973 there is inserted—

“27A Spouses having statutory occupancy rights.

- (1) This section applies where, by reason of the entitlement of one spouse (“A”) to occupy a dwelling by virtue of an interest or right to which section 27 above applies, the other spouse (“B”) acquires occupancy rights (within the meaning of the ^{M2}Matrimonial Homes (Family Protection) (Scotland) Act 1981).
- (2) So long as—
 - (a) those occupancy rights continue;
 - (b) B is in occupation of the dwelling and A is not; and
 - (c) B is not, apart from this section, treated as occupying the dwelling by virtue of an interest or right to which that section applies,B shall be treated for the purposes of that section as occupying the dwelling by virtue of such an interest (but not an owner’s interest within the meaning of section 28 below).
- (3) References in this section to a dwelling include a reference to a substantial part of it.”

Modifications etc. (not altering text)

C1 S. 72 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 4

Changes to legislation: There are currently no known outstanding effects for the
Planning and Compensation Act 1991, Section 72. (See end of Document for details)

Commencement Information

I1 S. 72 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations

M1 1973 c. 56.

M2 1981 c. 59.

Changes to legislation:

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 72.