

*Status: Point in time view as at 01/07/1999.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, SCHEDULE 13 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 13

Section 84.

#### REGULATIONS AS TO COMPENSATION IN RESPECT OF ORDERS RELATING TO MINERAL WORKING

##### *Power to modify compensation provisions*

- 1 (1) The Secretary of State may by regulations <sup>F1</sup> . . . provide, in relation to orders made under—
- (a) section 65 modifying planning permission for development consisting of the winning or working of minerals or involving the depositing of mineral waste, or
  - (b) section 71, and paragraph 1, 3, 5 or 6 of Schedule 8 with respect to such winning and working or depositing,
- that sections 76, 83, 87, 232 and 233 shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.
- (2) Without prejudice to the generality of sub-paragraph (1), such regulations may make provision—
- (a) as to circumstances in which compensation is not to be payable;
  - (b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;
  - (c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,
- and may also make different provision for different cases, and incidental or supplementary provision.
- (3) Such regulations shall be of no effect unless approved by a resolution of each House of Parliament.
- (4) Before making any such regulations, the Secretary of State shall consult such persons as appear to him to be representative of—
- (a) persons carrying out mining operations;
  - (b) owners of interests in land containing minerals;
  - (c) planning authorities.

#### Textual Amendments

- F1** Words in [Sch. 13 para. 1\(1\)](#) repealed (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 127\(23\)](#), Pt. IV; [S.I. 1998/3178](#), [art. 3](#)

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### *Determination of claims*

- 2        The references in section 86 to questions of disputed compensation under Part IV include references to questions of disputed compensation under sections 76, 83, 87, 232 and 233 as modified by regulations under paragraph 1.

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