

**2003 No. 175**

**TOWN AND COUNTRY PLANNING**

**The Planning and Compensation Act 1991 (Amendment of  
Schedule 18) (Scotland) Order 2003**

*Made* 10th March 2003

*Laid before the Scottish Parliament* 11th March 2003

*Coming into force* 1st April 2003

The Scottish Ministers, in exercise of the powers conferred by section 80(4) of the Planning and Compensation Act 1991<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Planning and Compensation Act 1991 (Amendment of Schedule 18) (Scotland) Order 2003 and shall come into force on 1st April 2003.

(2) This Order shall extend to Scotland only.

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<sup>(a)</sup> 1991 c.34. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

## **Additions to provisions relating to interest on compensation**

2. Part I (compensation provisions that do not provide for interest) of Schedule 18 to the Planning and Compensation Act 1991 shall be amended by the insertion, after the entry relating to section 39(3) of the Land Compensation (Scotland) Act 1963<sup>(a)</sup>, of—

“Section 46B of the Control of Pollution Act 1974

In the case of so much of the compensation as is payable under section 46B—

- (a) by virtue of paragraph 4(a) of the Schedule to the Anti-Pollution Works (Scotland) Regulations 2003 (loss and damage for which compensation payable), the date of the depreciation;
- (b) by virtue of paragraph 4(b), (c), or (d) of that Schedule, the date on which the loss is sustained or the damage is done; or where injurious affection is sustained, the date of the injurious affection;
- (c) by virtue of paragraph 4(e) of that Schedule, the date on which the expenses become payable<sup>(b)</sup>”.

*ROSS FINNIE*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
10th March 2003

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<sup>(a)</sup> 1963 c.51.

<sup>(b)</sup> Section 46B of the Control of Pollution Act 1974 (c.40) was inserted by the Environment Act 1995 (c.25), Schedule 29, paragraph 22. For the Anti-Pollution Works (Scotland) Regulations 2003 see S.S.I. 2003/168.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Part I of Schedule 18 to the Planning and Compensation Act 1991 specifies or describes the date from which interest is payable on compensation arising under the statutory provisions mentioned, which do not themselves provide for the payment of interest.

Article 2 of this Order amends that Part of that Schedule by adding provisions relating to the payment of compensation under section 46B of the Control of Pollution Act 1974 (“the 1974 Act”).

Compensation is payable under that section where a person has granted, or joined in granting, rights to enable the person on whom a works notice is served to carry out such anti-pollution works or operations as are specified in the notice. The amount of the compensation is assessed in accordance with the Anti-Pollution Works (Scotland) Regulations 2003.

The rate of interest payable in respect of compensation under section 46B of the 1974 Act is that prescribed under section 40 (rate of interest after entry on land) of the Land Compensation (Scotland) Act 1963.

This Order extends to Scotland only.

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**£1.75**

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland  
150 03/03 19593

