



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Supplementary provisions

151 Provision for diversion of payments

- (1) Regulations made under this section may make provision as to the exercise of the right to claim compensation under this Part of this Act, and as to the person to whom such compensation or any part thereof is to be paid, and as to the application of any such compensation or any part thereof, in cases where, apart from this section, the right to claim the compensation is exercisable by reference to—
 - (a) a claim holding which is subject to an assignation in security, or which was so subject at a time specified in the regulations ; or
 - (b) an interest in land which is subject to a ground annual or a heritable security or a trust, or which was so subject at a time specified in the regulations; or
 - (c) an interest in land which is the interest of a vassal or a lessee.
- (2) Any regulations made under this section may provide—
 - (a) for such conditions as may be prescribed to be attached to the paying by virtue of the regulations of any such compensation as aforesaid or any part thereof;
 - (b) for the application, in a case where any compensation, or any part thereof, is by virtue of the regulations to be paid to a superior or to the creditor in a ground annual, of all or any of the provisions of section 25 of the War Damage Act, 1943 (which relates to the rights of superiors and creditors in ground annuals as to payments for war damage) subject to such adaptations and modifications as may be prescribed; and

Status: This is the original version (as it was originally enacted).

- (c) for any disputes, or any disputes of such classes as may be prescribed, arising out of the regulations to be referred to the Lands Tribunal for determination by that Tribunal.

(3) In this section, " claim holding " has the same meaning as in section 126 of this Act.

152 Calculation of value

- (1) In calculating value for any of the purposes of this Part of this Act—
 - (a) rules (2) to (4) of the rules set out in section 12 of the Land Compensation (Scotland) Act 1963 shall apply with the necessary modifications; and
 - (b) if the interest to be valued is subject to a heritable security, it shall be treated as if it were not subject to the security:

Provided that rule (3) of those rules shall not apply for the purposes of Schedule 14 to this Act and that the value of an interest, as calculated for the purposes of section 142 of this Act, may be a minus quantity.