



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART III

PROVISIONS FOR BENEFIT OF PERSONS DISPLACED FROM LAND

Modifications etc. (not altering text)

- C1 Pt. III applied with modifications by [Offshore Petroleum Development \(Scotland\) Act 1975 \(c. 8\), s. 1, Sch. 2 para. 1\(1\)-\(4\)](#)

Home loss payments

27 Right to home loss payment where person displaced from dwelling.

- (1) Where a person is displaced from a dwelling on any land in consequence of—
- (a) the compulsory acquisition of an interest in the dwelling;
 - (b) the making, passing or acceptance of a housing order, resolution or undertaking in respect of the dwelling;
 - (c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of ^[F1]any improvement to the dwelling or of] redevelopment on the land,
 - ^[F2](d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered,]
 - ^[F3](e) a requirement to remove from the building containing the dwelling in pursuance of section 13 of the ^{M1}Building (Scotland) Act 1959 (dangerous buildings) or any other enactment which requires the demolition of the building on account of its condition,]

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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- [^{F4}(f) an order for recovery of possession of the dwelling under section [^{F5}48(2) of the Housing (Scotland) Act ^{M2}1987] on the ground set out in paragraph 10 of Part I of Schedule [^{F5}3] to that Act,]
- he shall, subject to the provisions of this section and section 29 below, be entitled to receive a payment (hereafter referred to as a “home loss payment”) from
- [^{F6}(i) where paragraph (a) above applies, the acquiring authority;
 - (ii) where paragraph (b) above applies, the authority who made the order, passed the resolution or accepted the undertaking;
 - (iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment; and
 - (iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.]
 - [^{F7}(v) where paragraph (e) above applies the authority requiring the removal.]
 - [^{F8}(vi) where paragraph (f) above applies, the landlord.]
- (2) A person shall not be entitled to a home loss payment unless throughout a period of not less than five years ending with the date of displacement—
- (a) he has been in occupation of the dwelling, or a substantial part of it, as his only or main residence; and
 - (b) he has been in occupation as aforesaid by virtue of an interest or right to which this section applies.
- [^{F9}and in a case within subsection (1)(d) above, unless the ^{M3}displacement occurred on or after 31st July 1974 (on which date Housing Act 1974 was passed).]
- (3) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if he gives up his occupation thereof before the date on which the acquiring authority were authorised to acquire that interest, but, subject to that, it shall not be necessary for the acquiring authority to have required him to give up his occupation of the dwelling.
- [^{F10}(3A) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of [^{F11}(a)] the carrying out of any improvement to the dwelling [^{F12}or; (b) a requirement to remove as mentioned in subsection (1)(e) above] unless he is permanently displaced from it in consequence of the carrying out of the improvement in question [^{F13}or removal as the case may be.]]
- (4) This section applies to the following interests and rights—
- (a) any interest in the dwelling;
 - (b) a right to occupy the dwelling as a statutory tenant within the meaning of the ^{M4}Rent (Scotland) Act 1971 or under a contract to which Part VII of that Act (furnished lettings) applies or would apply if the contract or dwelling were not excluded by section 85(3)(d) or 86 of that Act;
 - [^{F14}(bb) a right to occupy the dwelling as a statutory assured tenant within the meaning of the Housing (Scotland) Act 1988;]
 - (c) a right to occupy the dwelling under a contract of employment.
- (5) No home loss payment shall be made to any person displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if the acquisition is in pursuance of the service by him of a blight notice within the meaning of section 181 of the ^{M5}Town and Country Planning (Scotland) Act 1972 or of a notice under section 11 of the ^{M6}New Towns (Scotland) Act 1968.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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- (6) Where an authority possessing compulsory purchase powers acquire the interest of any person in a dwelling by agreement, then, in relation to any other person who is displaced from the dwelling in consequence of the acquisition, subsections (1) to (4) above shall have effect as if the acquisition were compulsory and the authority (if not authorised to acquire the interest compulsorily) had been so authorised on the date of the agreement.
- (7) In this section “a housing order, resolution or undertaking” means—
- (a) a demolition or closing order under Part [F15VI] of the Housing (Scotland) Act [F151987][F16or an order under section [F1588 of that Act]];
 - (b) a resolution under section [F17125] of the said Act . . . F18; . . . F19
 - (c) an undertaking accepted under section [F20117(2)(a)] of the said Act . . . F21; [F22or
 - (d) a final resolution under Part [F23I of Schedule 8 to that Act]]
- . . . F24
- [F25(7A) In this section
“improvement” includes alteration and enlargement; and “redevelopment” includes a change of use]
- (8) Where an interest in a dwelling is vested in trustees and a person beneficially entitled (whether directly or derivatively) under the trust is entitled or permitted by reason of his interest to occupy the dwelling, he shall be treated for the purposes of this section as occupying it by virtue of an interest in the dwelling.
- (9) [F26Subject to subsection (2) above,] this section applies if the date of displacement is on or after 17th October 1972 [F27except that, where the displacement is in consequence of the circumstances referred to in subsection (1)(e) above, it applies if the date of displacement is on or after the coming into force of paragraph 12 of Schedule 2 to the M7Housing (Financial Provisions) (Scotland) Act 1978.]

Textual Amendments

- F1** Words inserted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 42\(1\)\(a\)](#)
- F2** [S. 27\(1\)\(d\)](#) substituted by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\), Sch. 3 para. 9\(1\)](#)
- F3** [S. 27\(1\)\(e\)](#) inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 12\(a\)\(i\)](#)
- F4** [S. 27\(1\)\(f\)](#) inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\), s. 20\(2\)\(a\)](#)
- F5** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(1\)](#)
- F6** Paras. (i) to (iv) substituted for words by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 42\(1\)\(b\)](#)
- F7** Para. (v) added by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 12\(a\)\(ii\)](#)
- F8** [S. 27\(1\)\(vi\)](#) inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\), s. 20\(2\)\(b\)](#)
- F9** Words added by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\), Sch. 3 para. 9\(2\)](#)
- F10** [S. 27\(3A\)](#) inserted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 42\(2\)](#)
- F11** Word inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 12\(b\)\(i\)](#)
- F12** Words inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 12\(b\)\(ii\)](#)
- F13** Words added by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 12\(b\)\(iii\)](#)
- F14** [S. 27\(4\)\(bb\)](#) inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(2\), Sch. 9 para. 1](#)
- F15** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(2\)](#)
- F16** Words added by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 39](#)

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- F17** Words substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(2)(b)**
- F18** Words repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(2)(b)**
- F19** Word repealed by Housing (Scotland) Act 1974 (c. 45), **Sch. 5**
- F20** Words substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(2)(c)**
- F21** Words repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(2)(c)**
- F22** S. 27(7)(d) inserted by Housing (Scotland) Act 1974 (c. 45, SIF 61), **Sch. 3 para. 48**
- F23** Words substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 19(2)(d)**
- F24** Words repealed by Housing Act 1974 (c. 44), s. 130, **Sch. 15**
- F25** S. 27(7A) inserted by Housing Act 1974 (c. 44), s. 130, **Sch. 13 para. 42(3)**
- F26** Words inserted by Housing Rents and Subsidies (Scotland) Act 1975 (c. 28), **Sch. 3 para. 9(3)**
- F27** Words added by Housing (Financial Provisions) (Scotland) Act 1978 (c. 14, SIF 61), **Sch. 2 para. 12(c)**

Marginal Citations

- M1** 1959 c. 24.
M2 1987 c.26 (61).
M3 1974 c. 44.
M4 1971 c. 28.
M5 1972 c. 52.
M6 1968 c. 16.
M7 1978 c. 14.

VALID FROM 25/09/1991

[27A ^{F28}**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 ^{M8}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.]

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Textual Amendments

F28 S. 27A inserted (25.9.1991) (subject to limitation referred to in S.I. 1991/2092, art. 4(1), **Sch. 2 Pt. II**) by **Planning and Compensation Act 1991 (c. 34, SIF 28:2), s. 72** (with s. 84(5)); S.I. 1991/2092, **art. 3**

Marginal Citations

M8 1981 c. 59.

[^{F29}28 Amount of home loss payment.

The amount of a home loss payment shall be £1,500.]

Textual Amendments

F29 S. 28 substituted by S.I. 1989/47, **reg. 2**

29 Supplementary provisions about home loss payments.

- (1) [^{F30}No home loss payment shall be made except on a claim in that behalf made by the person entitled thereto (“the claimant”)]; and any such claim shall be in writing and shall be accompanied or supplemented by such particulars as the authority responsible for making the payment may reasonably require to enable them to determine whether the claimant is entitled to a payment and, if so, its amount.
- (2) A home loss payment shall be made not later than three months after the date on which a claim for the payment is made in accordance with subsection (1) above or, if those three months end before the date of displacement, on the date of displacement.
- (3) Where the claimant has been in occupation of a dwelling or a substantial part of it as mentioned in paragraphs (a) and (b) of section 27(2) above for any period (“the claimant’s own qualifying period”) and has also for an immediately preceding period resided in the dwelling, or a substantial part of it, as his only or main residence but without being in occupation as required by those paragraphs then, if another person was, or other persons successively were, in occupation thereof as mentioned in those paragraphs throughout that preceding period, the claimant’s own qualifying period shall be treated for the purposes of section 27(2) above as including that preceding period.
- (4) [^{F31}Where a person (“the deceased”) entitled to a home loss payment dies without having claimed it, a claim to the payment may be made] by any person, not being a person under the age of eighteen, who—
 - (a) throughout a period of not less than five years ending with the date of displacement of the deceased, has resided in the dwelling, or a substantial part of it, as his only or main residence; and
 - (b) is entitled to benefit by virtue of—
 - (i) a testamentary disposition or any other deed with testamentary effect taking effect on, or the law of intestate succession as applied to, the death of the deceased; or
 - (ii) a right *to jus relictii, jus relictiae* or *legitim* out of the deceased’s estate.

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- (5) Where the claimant has successively been in occupation of or resided in different dwellings in the same building, being dwellings consisting of a room or rooms not constructed or structurally adapted for use as a separate dwelling, section 27(2) above and subsections (3) and (4) above shall have effect as if those dwellings were the same dwelling.
- (6) Where there are two or more persons entitled to make a claim to a home loss payment in respect of the same dwelling (whether by virtue of joint occupation or of subsection (4) above) the payment to be made on each claim shall be equal to the whole amount of the home loss payment divided by the number of such persons.
- (7) Where an interest in a dwelling is acquired by agreement by an authority possessing compulsory purchase powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any home loss payment which they would be required to make to him if the acquisition were compulsory and the authority had been authorised to acquire that interest before he gave up occupation of the dwelling.

[^{F32}(7A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make a home loss payment, and in relation to such obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the date of displacement.]

[^{F33}(7AA) If a landlord recovers possession of a dwelling by agreement—

- (a) after serving notice under section [^{F34}47 and 48(2) of the Housing (Scotland) Act ^{M9}1987] on the tenant specifying the ground set out in paragraph 10 of Part I of Schedule [^{F34}3] to that Act; or
- (b) where, but for that agreement, it would have served such notice on him specifying that ground,

it may, in connection with the recovery, make to him a payment corresponding to any home loss payment which it would be required to make to him if the recovery were by order under section 15(2) of that Act.]

(8) ^{F35}

Textual Amendments

- F30** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 114\(2\)\(6\)](#) except in cases where the date of displacement was more than 6 months before 13.11.1980
- F31** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 114\(3\)\(6\)](#) except in cases where the date of displacement was more than 6 months before 13.11.1980
- F32** [S. 29\(7A\)](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 114\(5\)\(6\)](#) except in cases where the date of displacement was more than 6 months before 13.11.1980
- F33** [S. 29\(7AA\)](#) inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\), s. 20\(3\)](#)
- F34** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(3\)](#)
- F35** [S. 29\(8\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65\), Sch. 34 Pt. XII](#)

Marginal Citations

- M9** [1987 c.26 \(61\)](#).

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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30 Home loss payments for certain caravan dwellers.

- (1) Sections 27 to 29 above shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that site as they have effect in relation to a person displaced from a dwelling on any land but shall so have effect subject to the following modifications.
- (2) No home loss payment shall be made to any person by virtue of this section except where no suitable alternative site for stationing a caravan is available to him on reasonable terms.
- (3) Subsection (1) of section 27 above shall have effect as if for the words preceding paragraph (a) there were substituted the words “Where a person residing in a caravan on a caravan site is displaced from that site in consequence of” and subsection (2) of that section shall have effect as if for paragraphs (a) and (b) there were substituted—
 - “(a) he has been in occupation of the caravan site by using a caravan stationed on it as his only or main residence; and
 - (b) he has been in occupation of the site as aforesaid by virtue of an interest or right to which this section applies.”
- (4) F36
- (5) Section 29 above shall have effect—
 - (a) as if in subsection (3) for the words “in occupation of a dwelling or a substantial part of it”, “resided in the dwelling, or a substantial part of it” and “in occupation thereof” there were substituted respectively the words “in occupation of a caravan site”, “resided in a caravan on that site” and “in occupation of that site”;
 - (b) as if in subsection (4) for the words “resided in the dwelling, or a substantial part of it” there were substituted the words “resided in a caravan on the caravan site”; and
 - (c) as if for subsection (5) there were substituted—
 - “(5) Where any land comprises two or more caravan sites and the claimant has successively been in occupation of or resided in a caravan on different caravan sites on that land, section 27(2) above and subsections (3) and (4) above shall have effect as if those sites were the same site”.
- (6) Sections 27 to 29 above shall have effect as if in any provision not modified as aforesaid for any reference to a dwelling or land there were substituted a reference to a caravan site.
- (7) In this section “caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed.

Textual Amendments

F36 S. 30(4) repealed by S.I. 1989/47, reg. 3

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Farm loss payments

31 Right to farm loss payment where person displaced from agricultural unit.

- (1) Where land constituting or included in an agricultural unit is land in respect of which the person in occupation of the unit has an owner's interest, then if—
 - (a) in consequence of the compulsory acquisition of his interest in the whole of that land (“the land acquired”) he is displaced from the whole of that land; and
 - (b) not more than three years after the date of displacement he begins to farm another agricultural unit (“the new unit”) elsewhere in Great Britain,
 he shall, subject to the provisions of this section and section 33 below, be entitled to receive a payment (hereafter referred to as a “farm loss payment”) from the acquiring authority.
- (2) In subsection (1) above “owner's interest” means the interest of an owner or a lessee under a lease, being a lease the unexpired period of which on the date of displacement is not less than three years, or the interest of a crofter or a landholder.
- (3) For the purposes of this section a person is displaced from land in consequence of the compulsory acquisition of his interest therein if, and only if, he gives up possession thereof—
 - (a) on being required to do so by the acquiring authority;
 - (b) on completion of the acquisition; or
 - (c) where the acquiring authority permit him to remain in possession of the land under a lease, or a right or permission relating to land but not amounting to an estate or interest therein, of a kind not making him a tenant as defined in the ^{M10}Agricultural Holdings (Scotland) Act 1949, on the expiration of that lease or right or permission;
 and references in this section and section 32 below to the date of displacement are references to the date on which the person concerned gives up possession as aforesaid.
- (4) No farm loss payment shall be made to any person unless on the date on which he begins to farm the new unit he is in occupation of the whole of that unit in right of an interest as owner thereof or a lease thereof, not having been entitled to any such interest or lease before the date on which the acquiring authority were authorised to acquire his interest in the land acquired.
- (5) No farm loss payment shall be made by virtue of the displacement of a person from any land if he is entitled to a payment under section 12 of the ^{M11}Agriculture (Miscellaneous Provisions) Act 1968 in consequence of the acquisition of an interest in, or the taking of possession of, that land.
- (6) No farm loss payment shall be made to any person displaced from land in consequence of the compulsory acquisition of his interest therein if the acquisition of his interest in the whole or any part of that land is in pursuance of the service by him of a blight notice within the meaning of section 181 of the ^{M12}Town and Country Planning (Scotland) Act 1972 or a notice under section 11 of the ^{M13}New Towns (Scotland) Act 1968.
- (7) This section applies if the date of displacement is on or after 17th October 1972.

Marginal Citations

M10 1949 c. 75.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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M11 1968 c. 34.

M12 1972 c. 52.

M13 1968 c. 16.

32 Amount of farm loss payment.

- (1) Subject to the provisions of this section, the amount of any farm loss payment shall be equal to the average annual profit derived from the use for agricultural purposes of the agricultural land comprised in the land acquired; and that profit shall be computed by reference to the profits for the three years ending with the date of displacement or, if the person concerned has then been in occupation for a shorter period, that period.
- (2) Where accounts have been made up in respect of the profits of the person concerned for a period or consecutive periods of twelve months and that period or the last of them ends not more than one year before the date of displacement, subsection (1) above shall have effect as if the date on which that period or the last of those periods ends were the date of the displacement.
- (3) Where the date of displacement is determined in accordance with section 31(3)(c) above and the person concerned has on that date been in occupation for more than three years, he may elect that the average annual profit shall, instead of being computed by reference to the profits for the years mentioned in subsection (1) above, be computed by reference to the profits for—
 - (a) any three consecutive periods of twelve months for which accounts in respect of his profits have been made up, being periods for which he has been in occupation and the last of which ends on or after the date of completion of the acquisition; or
 - (b) if there are no such periods as aforesaid, any three consecutive years for which he has been in occupation and the last of which ends on or after the date mentioned in paragraph (a) above.
- (4) In calculating the profits mentioned in subsection (1) above there shall be deducted a sum equal to the rent that might reasonably be expected to be payable in respect of the agricultural land comprised in the land acquired if it were let for agricultural purposes to a tenant responsible for rates, repairs and other outgoings; and that deduction shall be made whether or not the land is in fact let and, if it is, shall be made to the exclusion of any deduction for the rent actually payable.
- (5) In calculating the profits mentioned in subsection (1) above there shall be left out of account profits from any activity if a sum in respect of loss of profits from that activity would fall to be included in the compensation, so far as attributable to disturbance, for the acquisition of the interest in the land acquired.
- (6) Where the value of the agricultural land comprised in the land acquired exceeds the value of the agricultural land comprised in the new unit the amount of the farm loss payment shall be proportionately reduced.
- (7) For the purposes of subsection (6) above the value of any land shall be assessed—
 - (a) on the basis of its value as land used solely for agriculture and as for an interest as owner thereof with vacant possession;
 - (b) by reference to the condition of the land and its surroundings and to prices current—

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- (i) in the case of the land comprised in the land acquired, on the date of displacement;
 - (ii) in the case of land comprised in the new unit, on the date on which the person concerned begins to farm the new unit;
 - (c) in accordance with rules (2) to (4) of the rules set out in section 12 of the ^{M14}Land Compensation (Scotland) Act 1963;
 - (d) without regard to the principal dwelling, if any, comprised in the same agricultural unit as that land.
- (8) The amount of a farm loss payment shall not be greater than the amount, if any, by which—
- (a) that payment, calculated apart from this subsection, together with compensation for the acquisition of the interest in the land acquired assessed on the assumptions mentioned in section 5(2), (3) and (4) above, (including any sum included as compensation for disturbance), exceeds
 - (b) the compensation actually payable for the acquisition of that interest.
- (9) Any dispute as to the amount of a farm loss payment shall be referred to and determined by the Lands Tribunal.

Marginal Citations

M14 1963 c. 51.

33 Supplementary provisions about farm loss payments.

- (1) Subject to subsection (7) below, no farm loss payment shall be made except on a claim in that behalf made by the person entitled thereto before the expiration of the period of one year beginning with the date on which the requirement in section 31(1)(b) above is complied with, and any such claim shall be in writing and shall be accompanied or supplemented by such particulars as the acquiring authority may reasonably require to enable them to determine whether that person is entitled to a payment and, if so, its amount.
- (2) Where the agricultural unit containing the land acquired is occupied for the purposes of a partnership firm sections 31 and 32 above shall have effect in relation to the firm and not the partners individually (any interest of a partner in the land acquired being treated as an interest of the firm) except that the requirements in section 31 as to the new unit shall be treated as complied with in relation to the firm as soon as they are complied with by any one of the persons who were members of the firm.
- (3) Where a person dies before the expiration of the period for making a claim to a farm loss payment and would have been entitled to such a payment if he had made a claim within that period, a claim to that payment may be made, before the expiration of that period, by his personal representative.
- (4) Where an interest in land is acquired by agreement by an authority possessing compulsory purchase powers, the authority may, in connection with the acquisition, make to the person from whom the interest is acquired a payment corresponding to any farm loss payment which they would be required to make to him if the acquisition were compulsory and the authority (if not authorised to acquire the interest compulsorily) had been so authorised on the date of the agreement.

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- (5) Where a farm loss payment is made to any person the authority making the payment shall also pay any reasonable valuation or legal expenses incurred by that person for the purposes of the preparation and prosecution of his claim to the payment; but this subsection is without prejudice to the powers of the Lands Tribunal in respect of the expenses of proceedings before the Tribunal by virtue of section 32(9) above.
- (6) A farm loss payment shall carry interest, at the rate for the time being prescribed under section 40 of the ^{M15}Land Compensation (Scotland) Act 1963, from the date mentioned in subsection (1) above until payment.
- (7) Where the date mentioned in subsection (1) above is before 23rd May 1973 the period within which a claim to a farm loss payment can be made shall be the period of one year beginning with 23rd May 1973.

Marginal Citations

M15 1963 c. 51.

Disturbance payments

34 Disturbance payments for persons without compensatable interests.

- (1) Where a person is displaced from any land in consequence of—
 - (a) the acquisition of the land by an authority possessing compulsory purchase powers;
 - (b) the making, passing or acceptance of a housing order, resolution or undertaking in respect of a house or building on the land;
 - (c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of [^{F37}any improvement to a house or building on the land or of] redevelopment on the land,
 - [^{F38}(d) the carrying out of any improvement to a house or building on the land or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered,]
 - [^{F39}(e) a requirement to remove from a building on the land in pursuance of section 13 of the ^{M16}Building (Scotland) Act 1959 (dangerous buildings) or any other enactment which requires the demolition of the building on account of its condition,]

he shall, subject to the provisions of this section, be entitled to receive a payment (hereafter referred to as a “disturbance payment”) from

- [^{F40}(i) where paragraph (a) above applies, the acquiring authority;
- (ii) where paragraph (b) above applies, the authority who made the order, passed the resolution or accepted the undertaking;
- (iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment; and
- (iv) where paragraph (d) above applies; the housing association carrying out the improvement or redevelopment.]
- [^{F41}(v) where paragraph (e) above applies; the authority requiring the removal]

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation: There are currently no known outstanding effects for the
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- (2) A person shall not be entitled to a disturbance payment—
- (a) in any case, unless he is in lawful possession of the land from which he is displaced;
 - (b) in a case within subsection (1)(a) above, unless either—
 - (i) he has no interest in the land for the acquisition or extinguishment of which he is (or if the acquisition or extinguishment were compulsory would be) entitled to compensation under any other enactment; or
 - (ii) he has such an interest as aforesaid but the compensation is subject to a site value provision and he is not (or if the acquisition were compulsory would not be) entitled in respect of that acquisition to an owner-occupier’s supplement;
 - (c) in a case within subsection (1)(b) above, if he is entitled to an owner-occupier’s supplement by reference to the order, resolution or undertaking.
 - [^{F42}(d) in a case within subsection (1)(d) above, unless the ^{M17}displacement occurred on or after 31st July 1974 (on which date the Housing Act 1974 was passed).]

In this subsection “site value provision” means [^{F43}section 121 and paragraph 12 of Schedule 8 to the Housing (Scotland) Act 1987 and “owner occupier’s supplement” means a payment under sections 308 to 311 of that Act.]

- (3) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition [^{F44}improvement or redevelopment as is mentioned in paragraph (a), (c) or (d)] of that subsection unless he was in lawful possession of the land—
- (a) in the case of land acquired under a compulsory purchase order, at the time when notice was first published of the making of the compulsory purchase order prior to its submission for confirmation or, where the order did not require confirmation, of the preparation of the order in draft;
 - (b) in the case of land acquired under an Act specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for that Act specifying the land were first published;
 - (c) in the case of land acquired by agreement, at the time when the agreement was made;

and a person shall not be treated as displaced in consequence of any such order, resolution [^{F45}undertaking or requirement to remove as is mentioned in paragraph (b) or (e)] of that subsection unless he was in lawful possession as aforesaid at the time when the order was made, the resolution was passed [^{F45}the undertaking was accepted or he was required to remove.]

- [^{F46}(3) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of [^{F47}(a)] the carrying out of any improvement to a house or building [^{F48}or; (a) a requirement to remove as mentioned in subsection (1)(e) above] unless he is permanently displaced in consequence of the carrying out of the improvement in question][^{F49}or removal as the case may be.]

- (4) Where a person is displaced from any land as mentioned in subsection (1) above but is not entitled, as against the authority there mentioned, to a disturbance payment or to compensation for disturbance under any other enactment, the authority may, if they think fit, make a payment to him determined in accordance with section 35(1) to (3) below.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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

- (5) A disturbance payment shall carry interest, at the rate for the time being prescribed under section 40 of the ^{M18}Land Compensation (Scotland) Act 1963, from the date of displacement until payment.
- (6) This section does not apply to any land which is used for the purposes of agriculture.
- (7) In section 71(4) of the ^{M19}Housing (Financial Provisions)(Scotland) Act 1972 (financial assistance towards tenants' removal expenses) for the words from "160" to the end there shall be substituted the words " 34 of the Land Compensation (Scotland) Act 1973 (disturbance payments for persons without compensatable interests) ".
- (8) In this section "a housing order, resolution or undertaking"^{F50} "improvement" and "redevelopment" have the same meaning as in section 27 above.
- (9) [^{F51}Subject to subsection (2)(d) above,] this section applies if the date of displacement is on or after 17th October 1972 [^{F52}except that, where the displacement is in consequence of the circumstances referred to in subsection (1)(e) above, it applies if the date of displacement is on or after the coming into force of paragraph 13 of Schedule 2 to the ^{M20}Housing (Financial Provisions) (Scotland) Act 1978.]

Textual Amendments

- F37** Words inserted by [Housing Act 1974 \(c. 44\)](#), s. 30, **Sch. 13 para. 43(1)(a)**
- F38** S. 34(1)(d) substituted by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), **Sch. 3 para. 10(1)**
- F39** S. 34(1)(e) inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(a)(i)**
- F40** Paras. (i) to (iv) substituted for words by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 43(1)(c)**
- F41** Para. (v) added by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(a)(ii)**
- F42** S. 34(2)(d) added by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), **Sch. 3 para. 10(2)**
- F43** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), **Sch. 23 para. 19(4)**
- F44** Words substituted by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 43(2)**
- F45** Words substituted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(b)**
- F46** S. 34(3) inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 43(3)**
- F47** Word inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(c)(i)**
- F48** Words inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(c)(ii)**
- F49** Words added by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(c)(iii)**
- F50** Word inserted by [Housing Act 1974 \(c. 44\)](#), s. 130, **Sch. 13 para. 43(4)**
- F51** Words inserted by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), **Sch. 3 para. 10(3)**
- F52** Words added by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\)](#), **Sch. 2 para. 13(d)**

Modifications etc. (not altering text)

- C2** S. 34(3)(a) applied with modifications by [Offshore Petroleum Development \(Scotland\) Act 1975 \(c. 8\)](#), s. 1, **Sch. 2 para. 1**
- C3** The text of Ss. 18(10), 34(7), 61, 62, 71(2)(3)(4), 72, 77(2)(3), Sch.2 pt.1 and pt.II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M16** 1959 c. 24.
M17 1974 c. 44.
M18 1963 c. 51.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation: There are currently no known outstanding effects for the
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M19 1972 c. 46.

M20 1978 c. 14.

35 Amount of disturbance payment.

- (1) The amount of a disturbance payment shall be equal to—
 - (a) the reasonable expenses of the person entitled to the payment in removing from the land from which he is displaced; and
 - (b) if he was carrying on a trade or business on that land, the loss he will sustain by reason of the disturbance of that trade or business consequent upon his having to quit the land.
- (2) In estimating the loss of any person for the purposes of subsection (1)(b) above, regard shall be had to the period for which the land occupied by him may reasonably have been expected to be available for the purposes of his trade or business and to the availability of other land suitable for that purpose.

This subsection has effect subject to section 43(7) below.

- (3) Where the displacement is from a dwelling in respect of which structural modifications have been made for meeting the special needs of a disabled person (whether or not the person entitled to the disturbance payment) then, if—
 - (a) a local authority having duties under section 12 of the ^{M21}Social Work (Scotland) Act 1968, provided assistance, or
 - (b) such an authority would, if an application had been made, have provided assistance,
 for making those modifications, the amount of the disturbance payment shall include an amount equal to any reasonable expenses incurred by the person entitled to the payment in making, in respect of a dwelling to which the disabled person removes, comparable modifications which are reasonably required for meeting the disabled person's special needs.
- (4) Any dispute as to the amount of a disturbance payment shall be referred to and determined by the Lands Tribunal.

Marginal Citations

M21 1968 c. 49.

Rehousing

36 Duty to rehouse residential occupiers.

- (1) Where a person is displaced from residential accommodation on any land in consequence of—
 - (a) the acquisition of the land by an authority possessing compulsory purchase powers;
 - (b) the making, passing or acceptance of a housing order, resolution or undertaking in respect of a house or building on the land;

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- (c) where the land has been previously acquired by an authority possessing compulsory purchase powers or appropriated by a local authority and is for the time being held by the authority for the purposes for which it was acquired or appropriated, the carrying out of [^{F53}any improvement to a house or building on the land or of] redevelopment on the land,
- [^{F54}(d) a requirement to remove the building containing the residential accommodation in pursuance of section 13 of the ^{M22}Building (Scotland) Act 1959 (dangerous buildings), or any other enactment which requires the demolition of the building on account of its condition,]
and suitable alternative residential accommodation on reasonable terms is not otherwise available to that person, then, subject to the provisions of this section, it shall be the duty of the relevant authority to secure that he will be provided with such other accommodation.
- (2) Subsection (1) above shall not by virtue of paragraph (a) thereof apply to a person if the acquisition is in pursuance of the service by him of a blight notice within the meaning of section 181 of the ^{M23}Town and Country Planning (Scotland) Act 1972.
- (3) Subsection (1) above shall not apply to any person who is a trespasser on the land or who has been permitted to reside in any house or building on the land pending its demolition [^{F55}or improvement].
- (4) Subsection (1) above shall not apply to any person to whom money has been advanced—
- (a) under section 38 below;
 - (b) under the Small Dwellings Acquisition (Scotland) Acts 1899 to 1923 or section 49 of the ^{M24}Housing (Financial Provisions) (Scotland) Act 1968 [^{F56}or section 214 of the Housing (Scotland) Act 1987]; or
 - (c) by a development corporation otherwise than under section 38 below,
- for the purpose of enabling him to obtain accommodation in substitution for that from which he is displaced as mentioned in that subsection.
- (5) Subsection (1)(a) above shall not apply to any acquisition of land in relation to which the Secretary of State has before 23rd May 1973 decided under paragraph 1 of Schedule 8 to the ^{M25}Housing (Scotland) Act 1966 that a housing scheme is not necessary.
- (6) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of any such acquisition [^{F57}improvement] or redevelopment as is mentioned in paragraph (a) or (c) of that subsection unless he was residing in the accommodation in question—
- (a) in the case of land acquired under a compulsory purchase order, at the time when notice was first published of the making of the order prior to its submission for confirmation or, where the order did not require confirmation, of the preparation of the order in draft;
 - (b) in the case of land acquired under an Act specifying the land as subject to compulsory acquisition, at the time when the provisions of the Bill for the Act specifying the land were first published;
 - (c) in the case of land acquired by agreement, at the time when the agreement was made;
- and a person shall not be treated as displaced in consequence of any such order, resolution [^{F58}undertaking or requirement as is mentioned in paragraph (b) or (d)] of

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that subsection unless he was residing in the accommodation in question at the time when the order was made, the resolution was passed [^{F58}the undertaking was accepted or he was required to remove.]

- (7) Subject to subsection (8) below, “the relevant authority” for the purposes of this section is the local authority having functions in relation to the district where the land is situated under Part [^{F59}I] of the ^{M26}Housing (Scotland) Act [^{F59}1987].
- (8) Where the land is in an area designated as the site of a new town—
- (a) paragraph (c) of subsection (1) above shall apply if the land on which the redevelopment is carried out has been previously acquired by the development corporation and is for the time being held by that corporation;
 - (b) the development corporation shall, in a case falling within paragraph (a) or (c) of that subsection, be the relevant authority for the purposes of this section.
- (9) In this section “a housing order, resolution or undertaking” [^{F60}“improvement”] and “redevelopment” have the same meaning as in section 27 above.

Textual Amendments

- F53** Words inserted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 44\(1\)](#)
- F54** [S. 36\(1\)\(d\)](#) inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 14\(a\)](#)
- F55** Words added by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 44\(2\)](#)
- F56** Words inserted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(5\)](#)
(a)
- F57** Word inserted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 44\(3\)](#)
- F58** Words substituted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 14\(b\)](#)
- F59** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(5\)\(b\)](#)
- F60** Word inserted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 44\(4\)](#)

Marginal Citations

- M22** 1959 c. 24.
- M23** 1972 c. 52.
- M24** 1968 c. 31.
- M25** 1966 c. 49.
- M26** 1987 c. 49.

37 Duty to rehouse certain caravan dwellers.

- (1) Section 36 above shall, so far as applicable, have effect in relation to a person residing in a caravan on a caravan site who is displaced from that site as it has effect in relation to a person displaced from residential accommodation on any land but shall so have effect subject to the following modifications.
- (2) Subsection (1) of the said section 36 shall have effect—
- (a) as if for the words preceding paragraph (a) there were substituted the words “Where a person residing in a caravan on a caravan site is displaced from that site in consequence of”; and
 - (b) as if for the words following paragraph (c) there were substituted the words “and neither suitable residential accommodation nor a suitable alternative site for stationing a caravan is available to that person on reasonable terms,

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

then, subject to the provisions of this section, it shall be the duty of the relevant authority to secure that he will be provided with suitable residential accommodation.”.

- (3) Subsection (6) of the said section 36 shall have effect as if in the words preceding paragraph (a) for the words “unless he was residing in the accommodation in question” there were substituted the words “unless he was residing in a caravan on the caravan site in question”.
- (4) The said section 36 shall have effect as if in any provision not modified as aforesaid for any reference to land there were substituted a reference to a caravan site.
- (5) In this section “caravan site” has the same meaning as in section 30 above.

38 Power of relevant authority to make advances repayable on maturity to displaced residential owner-occupiers.

- (1) Where a person displaced from a dwelling in consequence of any of the matters mentioned in subsection (1)(a), (b) or (c) of section 36 above—
 - (a) is an owner-occupier of the dwelling; and
 - (b) wishes to acquire or construct another dwelling in substitution for that from which he is displaced,the relevant authority for the purposes of that section may advance money to him for the purpose of enabling him to acquire or construct the other dwelling.
- (2) The power conferred by this section shall be exercisable subject to such conditions as may be approved by the Secretary of State and the following provisions shall apply with respect to any advance made in the exercise of that power.
- (3) The advance shall be made—
 - (a) on terms providing for the payment of the principal—
 - (i) at the end of a fixed period, with or without a provision allowing the authority to extend that period; or
 - (ii) upon notice given by the authority,subject, in either case, to a provision for earlier repayment on the happening of a specified event;
 - (b) on such other terms as the authority may think fit having regard to all the circumstances.
- (4) An advance for the construction of a dwelling may be made by instalments from time to time as the works of construction progress.
- (5) The principal of the advance, together with interest thereon, shall be secured by a heritable security of the borrower’s interest in the dwelling, and the amount of the principal shall not exceed the value which, in accordance with a valuation duly made on behalf of the relevant authority, it is estimated that the borrower’s interest will bear or, as the case may be, will bear when the dwelling has been constructed.
- (6) Before advancing money under this section the relevant authority shall satisfy themselves that the dwelling to be acquired meets or will meet the tolerable standard as determined for the purposes of the [F61M27] Housing (Scotland) Act [F621987] by section [F6286] of that Act.

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- (7) While the payment of the principal of an advance made by a local authority under this section is not required in accordance with the terms of the advance, the local authority may suspend, with respect to so much of any sum borrowed by them as is referable to the advance, any periodical provision for repayment that may be required by any enactment.
- (8) The power conferred by this section on a relevant authority is without prejudice to any power to advance money exercisable by the authority under any other enactment.
- (9) In this section “owner-occupier” in relation to any dwelling, means a person who occupies it on the date of displacement and either—
- (a) occupies it on that date in right of an owner’s interest or a lease of which not less than three years remain unexpired or by virtue of a tenancy or other interest to which the ^{M28}Crofters (Scotland) Acts 1955 ^{M29} and 1961 or the Small Landholders (Scotland) Acts 1886 to 1931 apply; or
 - (b) if the displacement is in consequence of the matters mentioned in paragraph (c) of section 36(1) above, occupied it in right of such an interest or lease or by virtue of such a tenancy or interest on the date on which the land was acquired or appropriated as mentioned in that paragraph.
- (10) In this section references to the construction of a dwelling include references to the acquisition of a building and its conversion into a dwelling and to the conversion into a dwelling of a building previously acquired.

Textual Amendments

F61 Words substituted by [Housing \(Scotland\) Act 1974 \(c. 45\), s. 50, Sch. 3 para. 50](#)

F62 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(6\)](#)

Marginal Citations

M27 1987 c. 45.

M28 1955 c. 21.

M29 1961 c. 58.

39 Duty of displacing authority to indemnify rehousing or lending authority for net losses.

- (1) Where a relevant authority within the meaning of section 36 above provide or secure the provision of accommodation for any person in pursuance of subsection (1)(a) or (c) of that section, then, if—
- (a) the authority providing the accommodation (“the rehousing authority”) are not the same as the authority by whom the land in question is acquired or redeveloped (“the displacing authority”); and
 - (b) the displacing authority are not an authority having functions under Part ^{F63}[^{F63}] of the ^{M30}Housing (Scotland) Act ^{F63}[^{F63}1987]

the displacing authority shall make to the rehousing authority periodical payments, or if the rehousing authority so require a lump sum payment, by way of indemnity against any net loss in respect of the rehousing authority’s provision of that accommodation which may be incurred by that authority in any year during the period of ten years commencing with the year in which the accommodation is first provided.

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- (2) For the purposes of subsection (1) above a local authority incur a net loss in respect of their provision of accommodation for a person whom they are rehousing—
- (a) if they rehouse him in a house provided by them under Part [F63] of the said Act of 1987, for the purpose of rehousing him; or
 - (b) if—
 - (i) they rehouse him in a house to which the housing revenue account relates not so provided, and
 - (ii) provide under the said Part [F63] in the year immediately preceding that in which he first occupies it, or in the period of three years commencing with the year in which he first occupies it, a house of a similar type or size.
- (3) Where money has been advanced to a person as mentioned in section 36(4) above, then if—
- (a) the authority making the advance (“the lending authority”) are not the same as the displacing authority; and
 - (b) the lending authority incur a net loss in respect of the making of the advance, the displacing authority shall make to the lending authority a lump sum payment by way of indemnity against that loss.
- (4) For the purposes of subsection (3) above, a lending authority incur a net loss in respect of the making of an advance to any person if—
- (a) he does not fully discharge his liability to the authority in respect of principal, interest and expenses in accordance with the terms on which the advance is made; and
 - (b) the deficiency exceeds the net proceeds arising to the authority on a sale of the interest on which the principal and interest is secured.
- (5) The Secretary of State may—
- (a) for the purposes of subsection (1) above from time to time determine a method to be used generally in calculating net losses incurred by rehousing authorities;
 - (b) for the purposes of that subsection or subsection (3) above, determine the net loss incurred by a rehousing authority or lending authority in any particular case;
 - (c) give directions as to the manner in which any payment under this section is to be made.
- (6) Subsection (2) above shall be construed as one with the Housing [F64] (Scotland) Act 1987].

Textual Amendments

F63 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(7\)\(a\)](#)

F64 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 19\(7\)\(b\)](#)

Marginal Citations

M30 [1987 c. 26.](#)

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation: There are currently no known outstanding effects for the
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40 Power of relevant authority to defray expenses in connection with acquisition of new dwellings.

- (1) Where a person displaced from a dwelling in consequence of [^{F65}any of the events specified in paragraphs (a) to (c) of section 36(1) above]
- (a) has no interest in the dwelling or no greater interest therein than as tenant for a year or from year to year; and
 - (b) wishes to acquire another dwelling in substitution for that from which he is displaced,
- [^{F65}then, according to the nature of the event in consequence of which he was displaced, the acquiring authority, the authority who made the order, passed the resolution or accepted the undertaking or the authority carrying out the improvement or redevelopment] may pay any reasonable expenses incurred by him in connection with the acquisition, other than the purchase price.
- (2) No payment shall be made under this section in respect of expenses incurred by any person in connection with the acquisition of a dwelling unless the dwelling is acquired not later than one year after the displacement and is reasonably comparable with that from which he is displaced.
- (3) For the purposes of subsection (2) above a dwelling acquired pursuant to a contract shall be treated as acquired when the contract is made.
- (4) Subsections (3) and (6) of section 36 above shall have effect in relation to subsection (1) above and to [^{F66}any provision of subsection (1)] of that section as applied thereby.

Textual Amendments

F65 Words substituted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 45\(1\)](#)

F66 Words substituted by [Housing Act 1974 \(c. 44\), s. 130, Sch. 13 para. 45\(2\)](#)

Status:

Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

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