(2) In relation to land acquired by agreement during that period by an authority authorised to acquire it compulsorily.

Where a supplement is payable to an owner-occupier by Section 58 of the Town and Country Planning Act, 1944, either as originally enacted or as amended by the Acquisition of Land (Increase of Supplement) Order, 1946, and the amount of a converted value payment payable under Section 14 of the War Damage Act, 1943, (which provides for value payments to be made where partially damaged land is acquired compulsorily or by agreement by a person authorised to acquire it compulsorily) falls to be increased by the War Damage (Increase of Value Payments) Order, 1947, the said Seventh Schedule provides for a reduction in the amount of the compensation or purchase price payable in respect of the acquisition by a sum not exceeding the amount by which the converted value payment is increased or the amount of the supplement which is payable, or which would have been payable it the land had been compulsorily acquired, whichever is the less.

This provision is intended to eliminate the overlap between the owner-occupier supplement and the increase of the converted value payment.

This elimination is effected by the War Damage Commission, on a claim by the acquiring authority, deducting the amount of the overlap (with interest thereon) from the amount of any value payment (with interest thereon) payable by the War Damage Commission under the War Damage Act, 1943, to the person from whom the land is acquired and paying that sum to the acquiring authority.

This Order specifies the time and manner for making any such claim.

LAND, ACQUISITION OF, SCOTLAND

ASSESSMENT OF COMPENSATION

The Acquisition of Land (Claims for adjustment of compensation for War Damaged Land) (Scotland) Regulations, 1948

1948 No. 208 (S.6)

Made - - - -	*5th February*, 1948
Laid before Parliament	*10th February*, 1948
Coming into Operation	*11th February*, 1948

The Treasury, in exercise of the power conferred upon them by sub-paragraph (2) of paragraph 1 of the Seventh Schedule to the Town and Country Planning (Scotland) Act, 1947(a), hereby make the following Regulations:—

1. In these Regulations

(*a*) " the Act " means the Town and Country Planning (Scotland) Act, 1947;

(a) 10 & 11 Geo. 6. c. 53.

(*b*) the expression " the acquiring authority " has the meaning assigned to it by Regulation 2 of these Regulations;

(*c*) " the Commission " means the War Damage Commission;

(*d*) " the Seventh Schedule " means the Seventh Schedule to the Act.

2.—(1) Where the amount of the compensation payable in respect of the compulsory acquisition of an interest in land or the purchase price payable in respect of the acquisition of an interest in land by agreement, falls to be reduced in accordance with the provisions of sub-paragraph (1) or sub-paragraph (5) of paragraph 1 of the Seventh Schedule and the Minister or authority by whom that interest is acquired (in these Regulations referred to as " the acquiring authority ") becomes entitled in accordance with the provisions of sub-paragraph (2) of that paragraph to claim from the Commission a sum equal to the amount of the reduction, a claim in respect of such sum shall subject to Regulation 3 of these Regulations be made:—

(i) In a case where the reduction falls to be made under sub-paragraph (1) of paragraph 1 of the Seventh Schedule

(*a*) where a certificate of after-damage value has been issued by the Commission before the date on which these Regulations come into force and such certificate has not been cancelled or amended pursuant to paragraph (2) of Rule 6 of the Acquisition of Land (Compensation for War Damaged Land) Rules (Scotland), 1946(**a**), within the period of three months after the date on which these Regulations come into force;

(*b*) in any other case, within the period of three months after the certificate or amended certificate of after-damage value has been issued by the Commission.

(ii) In a case where the reduction falls to be made under sub-paragraph (5) of paragraph 1 of the Seventh Schedule

(*a*) where the acquiring authority has, before the date on which these Regulations come into force, notified the Commission pursuant to either subsection (2) of Section 4 of the Acquisition of Land (Authorisation Procedure) Act, 1946(**b**), or subsection (2) of Section 4 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947(**c**), that an agreement has been entered into for the purchase of an interest in land the war damage to which has not been made good at the date of that agreement, within the period of 60 days after the date on which these Regulations come into force;

(*b*) in any other case, within the period of 60 days after the date of notifying the Commission of such an agreement.

(2) The Commission may from time to time extend the period within which a claim may be made under this Regulation on a written application being made to them in that behalf notwithstanding that the period has expired.

(**a**) S.R. & O. 1946 (No. 2135) I, p.1633. (**b**) 9 & 10 Geo. 6. c. 49.
(**c**) 10 & 11 Geo. 6. c. 42.

3. In any case in which the settlement of a claim to such supplement as is mentioned in sub-head (*c*) of sub-paragraph (1) of paragraph 1 of the Seventh Schedule has, in default of agreement, become the subject of arbitration or other proceedings pursuant to sub-section (1) of Section 56 of the Town and Country Planning (Scotland) Act, 1945(**a**), at the expiration of any of the periods for the making of claims under Regulation 2 of these Regulations or any extension of those periods a claim relating thereto under these Regulations shall be made within 30 days after the date of the award of the arbiter or the determination by the court of any question arising on a claim to such a supplement, as the case may be.

4. A claim under these Regulations shall contain the following particulars:—

(*a*) Particulars of the amount paid to the person from whom the interest in question is acquired of such supplement as is mentioned in sub-head (*c*) of sub-paragraph (1) of paragraph 1 of the Seventh Schedule or of the amount of that part of the purchase price which represents the amount of such supplement which would have been payable if the interest in question had been compulsorily acquired, as the case may be, together with a statement in writing by the person from whom the interest is acquired agreeing with the acquiring authority that an amount equal to the sum specified by the acquiring authority in the said particulars represents the amount of such supplement or part of the purchase price, as the case may be.

(*b*) The date of payment of the amount so paid or, if interest has become payable from a date earlier than the date of such payment (whether by virtue of entry on the land to which the claim relates or otherwise), the date from which such interest became payable.

(*c*) In the absence of such a statement as is mentioned in sub-paragraph (*a*) hereof and in the event of the claim to such supplement as is therein mentioned not having become the subject of arbitration or other proceedings pursuant to sub-section (1) of Section 56 of the Town and Country Planning (Scotland) Act, 1945, a statement in duplicate, in lieu of the particulars specified in sub-paragraph (*a*) of this paragraph, of the amount which the acquiring authority claims to have been included in the compensation payable in respect of the compulsory acquisition of the interest in question or in the purchase price payable in respect of the acquisition of the interest in question by agreement, as the case may be, as representing the amount of such supplement or part of the purchase price as is mentioned in sub-paragraph (*a*) hereof, together with particulars in support thereof.

(*d*) In the event of a claim to such supplement as is mentioned in sub-paragraph (*a*) of this paragraph having been determined pursuant to sub-section (1) of Section 56 of the Town and Country Planning (Scotland) Act, 1945, a copy of the award of the arbiter or of the order of the court, as the case may be.

5. The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(**a**) 8 & 9 Geo. 6. c. 33. (**b**) 52 & 53 Vict. c. 63.

6. These Regulations shall come into force on the 11th day of February, 1948, and may be cited as the Acquisition of Land (Claims for adjustment of compensation for War Damaged Land) (Scotland) Regulations, 1948.

Dated this 5th day of February, 1948.

R. J. Taylor,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to explain their general purport.)

By Section 47 (2) of the Town and Country Planning (Scotland) Act, 1947, the provisions of the Seventh Schedule to that Act have effect:—

(1) In relation to land compulsorily acquired in pursuance of a Notice to Treat served after the 17th November, 1944, and before the passing of the Town and Country Planning (Scotland) Act, 1947, and

(2) In relation to land acquired by agreement during that period by an authority authorised to acquire it compulsorily.

Where a supplement is payable to an owner-occupier by Section 54 of the Town and Country Planning (Scotland) Act, 1945, either as originally enacted or as amended by the Acquisition of Land (Increase of Supplement) (Scotland) Order, 1946, and the amount of a converted value payment payable under Section 14 of the War Damage Act, 1943 (which provides for value payments to be made where partially damaged land is acquired compulsorily or by agreement by a person authorised to acquire it compulsorily) falls to be increased by the War Damage (Increase of Value Payments) Order, 1947, the said Seventh Schedule provides for a reduction in the amount of the compensation or purchase price payable in respect of the acquisition by a sum not exceeding the amount by which the converted value payment is increased or the amount of the supplement which is payable, or which would have been payable if the land had been compulsorily acquired, whichever is the less.

This provision is intended to eliminate the overlap between the owner-occupier supplement and the increase of the converted value payment.

This elimination is effected by the War Damage Commission, on a claim by the acquiring authority, deducting the amount of the overlap (with interest thereon) from the amount of any value payment (with interest thereon) payable by the War Damage Commission under the War Damage Act, 1943, to the person from whom the land is acquired and paying that sum to the acquiring authority.

This Order specifies the time and manner for making any such claim.