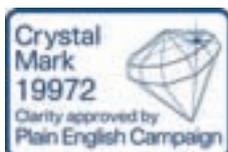


# **Compulsory purchase and compensation**

**A guide for owners, tenants  
and occupiers in Scotland**

# **Compulsory purchase and compensation**

## **A guide for owners, tenants and occupiers in Scotland**



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The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

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## Introduction

1. A compulsory purchase order can allow certain organisations to buy property without the owner's permission, if there is a strong enough case for this in the public interest.

2. It can be confusing if property that you own, rent, live in or use is affected by a compulsory purchase order, so we've prepared this guide to help you understand the process. This guide is not meant to replace professional advice and it doesn't contain a complete guide to the law. But it will give you a general idea of how compulsory purchase works, what your rights are and where you can go for help and advice.

3. This guide explains:

- **who** can use compulsory purchase;
- **why** compulsory purchase is needed;
- **how** the compulsory purchase process works;
- **what** compensation and other payments you may be entitled to; and
- **where** you can go for advice.

4. If you think that your property might be affected by a compulsory purchase order, you might want to find out more. At the end of this guide we've included some contact details for organisations that can give you help, advice and more information.

5. In this guide we use the word 'authority' to describe any organisation that is using its compulsory purchase powers. We use the word 'property' to describe any land or buildings affected by compulsory purchase.

6. This guide doesn't apply to compulsory purchase orders issued by Transport Scotland. If Transport Scotland needs to buy your property for a road project, you should read the guidance on the Transport Scotland website at [www.scotland.gov.uk/TSCPOguide](http://www.scotland.gov.uk/TSCPOguide).

7. This guide also doesn't apply to compulsory purchase for railways, tramways or other transport systems under the Transport and Works (Scotland) Act 2007. If your property is affected by an order made under the Transport and Works Act, you should read the guidance on Transport Scotland's website at [www.scotland.gov.uk/TAWSGeneral](http://www.scotland.gov.uk/TAWSGeneral).

**Who** can use compulsory purchase?

8. Many authorities that do things for the public's benefit have the power to make compulsory purchase orders. Most compulsory purchase orders are made by local authorities (councils) and the Scottish Government, through agencies such as Transport Scotland. Public utilities such as water or electricity companies can also make compulsory purchase orders.

9. Commercial companies like property developers don't have the power to make compulsory purchase orders, but sometimes they might work with a council on a project. A council might not have enough money or specialist skills to carry out a project on its own. So it might work with another organisation such as a property developer or community group. Working in partnership like this can allow a project that is in the public interest to go ahead when it might otherwise not be possible.

**Why** is compulsory purchase needed?

10. An authority might need to buy a property to do something that is in the public interest. For example, a council sometimes needs to buy property to build a road, school or a housing development, to improve the area or to promote economic growth. These projects can range in size from a major scheme to regenerate a large area to a small individual scheme to bring a single derelict property or empty home back into use.

11. Sometimes, an authority might need to use a compulsory purchase order to buy the land that it needs. But an authority can only use compulsory purchase where there is a strong enough case for this in the public interest.

12. Without compulsory purchase, many projects that are in the public interest would not be able to go ahead.

**How** does the compulsory purchase process work?

13. All compulsory purchase orders must be confirmed by the Scottish Government. Scottish Ministers will weigh up the public benefit in the authority's scheme against the interests of the owners and other people who would be affected. After fully considering any objections, Ministers will decide whether to confirm the order.

14. An authority that wants to use compulsory purchase must follow procedures set out in law. These procedures make sure that owners, tenants and any other people who live in or use the property know what is happening and have the chance to object. The procedures also make sure that Scottish Ministers hear these objections and take them into account. (Please see pages 4 to 11 to find out more about how compulsory purchase works.)

**What** compensation and other payments are you entitled to?

15. If the compulsory purchase goes ahead, you may be entitled to a package of compensation. Generally, this should put you in the same financial position you were in before the authority bought the property under the compulsory purchase order. (Please read pages 12 to 17 to find out more about compensation.)

**Where** can you go for advice?

16. You can call the Royal Institution of Chartered Surveyors' Compulsory Purchase Helpline on 0870 333 1600. This helpline will put you in touch with an experienced chartered surveyor in your local area for up to 30 minutes of free advice.

17. You may also be able to get free advice by calling the Planning Aid for Scotland helpline on 0845 603 7602.

18. Depending on your financial circumstances, you may be able to get free legal advice by contacting the Scottish Legal Aid Board on 0845 122 8686.

19. At the end of this guide we've included a list of other organisations that you can contact for advice.

20. You can also get more information on compulsory purchase from the Scottish Government's website at [www.scotland.gov.uk/cpo](http://www.scotland.gov.uk/cpo).

21. If you are worried that you might be made homeless because a compulsory purchase order affects your home, you should speak to your council as soon as possible. The council must find you a place to live, at reasonable cost, if you can't find anywhere yourself. You can also call Shelter Scotland on 0808 800 4444 for free advice.

**If you need advice, you can call the Royal Institution of Chartered Surveyors' Compulsory Purchase Helpline on 0870 333 1600. This helpline will put you in touch with an experienced chartered surveyor in your local area for up to 30 minutes of free advice.**

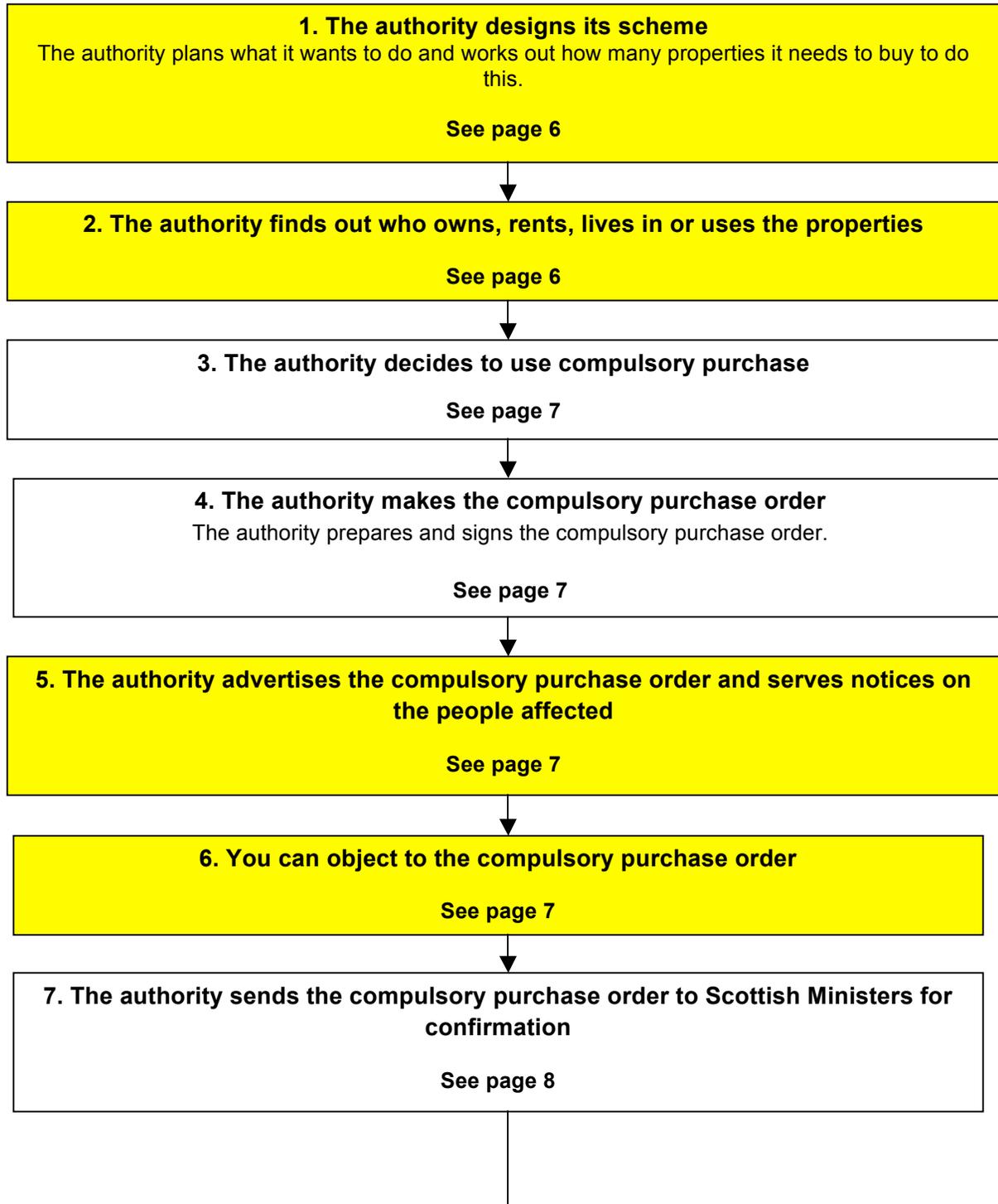
**You may also be able to get free advice by calling the Planning Aid for Scotland helpline on 0845 603 7602.**

**Depending on your financial circumstances, you may be able to get free legal advice by calling the Scottish Legal Aid Board on 0845 122 8686.**

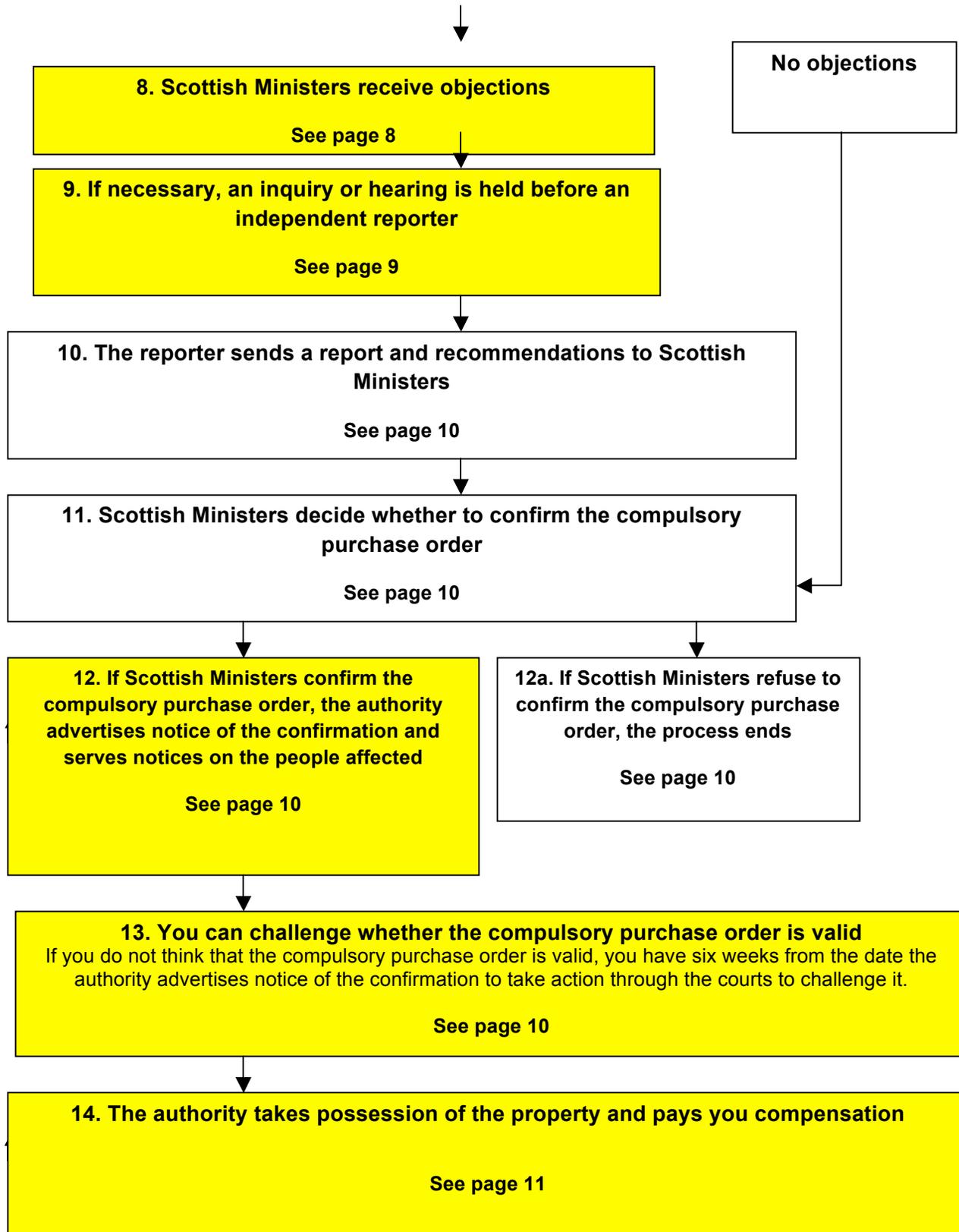
## The compulsory purchase process

22. This flow chart will give you a brief overview of how compulsory purchase works. Some stages might overlap and they might not always happen in the order shown here. To find out more about any stage of the process, read the pages mentioned in the box.

23. We've highlighted the stages that are most likely to directly involve you.



Compulsory purchase: a guide for owners, tenants and occupiers in Scotland



## **Stage 1 – The authority designs its scheme**

24. The authority will plan what it wants to do and work out how many properties it needs to buy to be able to do this. This is when you might first learn that a compulsory purchase order could affect your property. The authority will usually tell you about its plans, or it might ask you if you'll agree to sell your property to it. The authority might also ask you for information about your property or it might ask if it can enter your property to carry out surveys or other investigations.

25. Sometimes an authority might be working with a private developer, community group or other organisation. If so, it may be one of these organisations that contacts you, rather than the authority.

## **Stage 2 – The authority finds out who owns, rents, lives in and uses the property**

26. The authority (or an organisation working with the authority) will find out who owns, rents, lives in or uses the property. It will also find out whether anyone else has any other rights in the property, such as a right of access. The authority might offer to meet with you to discuss this, or it might send you a form to ask you for information about the property. You should answer any questions the authority asks you as fully as you can.

27. If possible, it is a good idea to meet with the authority or any organisation working with it (or both) as early as possible. This will give you a chance to find out more about the authority's plans, ask any questions you have and let the authority know what you think about its plans and how they might affect you.

**You should provide any information the authority asks you for as fully as you can.**

**If you receive any notices or letters and you aren't sure what they mean, you should immediately contact the organisation that sent you them and ask them to explain.**

**You may be able to get free advice from the Royal Institution of Chartered Surveyors' Compulsory Purchase Helpline on 0870 333 1600 or the Planning Aid for Scotland helpline on 0845 603 760.**

**If possible, it is a good idea to meet with representatives of the authority as early as possible. This might give you a chance to find out more about the authority's plans and discuss any concerns that you have.**

### **Stage 3 – The authority decides to use compulsory purchase**

28. The authority formally decides to use compulsory purchase. For a local council, this is known as making a 'resolution' to use compulsory purchase. Council officers present a formal written proposal to use compulsory purchase to the council committee for approval. If the committee agrees, it will pass a 'resolution'.

### **Stage 4 – The authority makes the compulsory purchase order**

29. The authority will draw up the compulsory purchase order (this is often known as 'making' the order). The order will contain the name of the authority, details of the law that gives the authority the power to make a compulsory purchase order and the reason that the authority needs the property. The order will describe the property that the authority wants to buy and list the owners and other people with an interest in the property. The property will also be shown on a map.

### **Stage 5 – The authority advertises the compulsory purchase order and serves notices**

30. The authority will put an advert in one or more local newspapers for two weeks in a row to say that it has made the compulsory purchase order. The authority will also send a written notice to owners and occupiers to say that it has made the order.

31. The notice will say that the authority is about to send a compulsory purchase order to Scottish Ministers for confirmation and will tell you where you can go to see a copy of the compulsory purchase order. The notice will tell you how to object to the compulsory purchase order and how long you have to object (this must be at least 21 days).

32. The authority should also send you a document or letter that explains why it needs your property and why it is using a compulsory purchase order.

### **Stage 6 – You can object to the compulsory purchase order**

33. If you want to object to the compulsory purchase order you should send a letter to Scottish Ministers at the address given in the notice. Your letter doesn't have to follow any set style and you can either write it yourself or get a professional adviser to write it for you. If you choose to get a professional adviser to write the letter for you, you will have to pay any fees involved, but you may be able to get free advice from some of the organisations listed at the end of this guide. (Please see page 14 to find out more about professional fees.)

34. In your letter you should include your name and address and say whether you own, rent, live in or use the property, or explain what your interest in the property is. You should also clearly explain the reasons why you object to the compulsory purchase order.

35. Objecting to the compulsory purchase order will not alter the amount of compensation you are entitled to (Please see pages 12 to 17 to find out more about compensation.) If there is a disagreement about the amount of compensation that the authority should pay you, the Lands Tribunal for Scotland can decide how much you are entitled to. (Please see pages 16 to 17 to find out more about the Lands Tribunal.)

36. Scottish Ministers may not consider your objection if it's only about the amount of compensation you have been offered or might be offered.

**If you want to object to the compulsory purchase order, you should make sure that your objection reaches Scottish Ministers by the date set out in the notice.**

### **Stage 7 – The authority sends the compulsory purchase order to Scottish Ministers for confirmation**

37. The authority sends the compulsory purchase order and supporting documents to Scottish Ministers and asks them to confirm the compulsory purchase order.

### **Stage 8 – Scottish Ministers receive any objections**

38. If you write to Scottish Ministers to object to the compulsory purchase order, Scottish Ministers will send a copy of your objection to the authority. Usually, the authority will contact you to discuss your concerns.

39. The authority might be able to do something to reduce the effect its scheme would have on you. For example, it might be able to reduce the level of noise that would affect you, or it might agree to alter the amount of your property (land and so on) it needs to buy.

40. If you are happy with what the authority suggests, you might want to withdraw your objection. If so, you should write to Scottish Ministers as soon as possible to tell them that you withdraw your objection.

**The authority might be able to do something to reduce the effect its plans would have on you. If you are happy with what the authority suggests, you can withdraw your objection.**

**If you decide to withdraw your objection, you should write to Scottish Ministers as soon as possible.**

## **Stage 9 – If necessary, a public local inquiry or hearing is held before an independent reporter**

41. Owners, tenants and occupiers who object to the compulsory purchase order are called 'statutory objectors'.

42. If you or any other statutory objector have made an objection and not withdrawn it, the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) must arrange to hold a public local inquiry or hearing. This is so that Scottish Ministers can hear your objections and properly consider them. DPEA will write to you to tell you when and where the inquiry or hearing will be held.

43. The Scottish Ministers might hold an inquiry or hearing even if there are no statutory objections. This will depend on the circumstances.

44. The inquiry or hearing will be held before an independent reporter appointed by Scottish Ministers. The reporter will usually be a specialist such as a planner, surveyor, engineer, architect or lawyer. The reporter will decide how the inquiry will be run (within the rules) and will explain this at the start of the inquiry. The reporter will keep the process as informal as possible while making sure that you, the authority and anyone else appearing are all able to have a say in an organised and orderly way.

45. You can represent yourself at the inquiry or hearing or you can get a professional adviser to represent you. If you ask a professional adviser to represent you, you will have to pay their fees, but you might get some or all of these fees back if your objection is successful. (Please see page 14 to find out more about professional fees.)

46. If you can't go to the inquiry or hearing, or if you'd rather not go, you can rely on your written objection.

47. You can read more about what happens at an inquiry in Scottish Government circular 17/1998 at [www.scotland.gov.uk/Publications/1998/10/circular-17-1998-root/circular-17-1998-intro](http://www.scotland.gov.uk/Publications/1998/10/circular-17-1998-root/circular-17-1998-intro). If you don't have access to the internet, DPEA can send you a paper copy of this. We've included DPEA in the list of useful contacts at the end of this booklet.

**You can represent yourself at the inquiry or hearing or you can get a professional adviser to represent you.**

**If you can't go to the inquiry or hearing, or if you'd rather not go, you can rely on your written objection.**

## **Stage 10 – The reporter sends a report to Scottish Ministers**

48. The reporter will consider all objections, representations and material presented at the inquiry or hearing. He or she will weigh up how the authority's proposals would benefit the public against the interests of the owners and other people affected. The reporter will then write a report for Scottish Ministers. This will set out the reporter's conclusions and recommendations.

49. The reporter can recommend that Scottish Ministers confirm the compulsory purchase order or that Scottish Ministers refuse to confirm the order. They can also recommend that Scottish Ministers confirm the order with some changes (but no extra property can be added unless everyone with an interest in that property agrees).

## **Stage 11 - Scottish Ministers decide whether to confirm the compulsory purchase order**

50. Scottish Ministers consider the reporter's conclusions and recommendations and then decide whether to confirm the compulsory purchase order (with or without changes) or refuse to confirm the order.

51. If Scottish Ministers refuse to confirm the compulsory purchase order, the process ends and the compulsory purchase order will go no further.

52. Scottish Ministers will write to the authority with their decision and the reasons for reaching the decision. If there was an inquiry or hearing and you objected to the compulsory purchase order, Scottish Ministers will send you a copy of this letter.

## **Stage 12 – If Scottish Ministers confirm the compulsory purchase order, the authority advertises the confirmation and serves notices**

53. If Scottish Ministers confirm the compulsory purchase order, the authority will publish notice of the confirmation in a local newspaper. The authority will also send a copy of this notice to all owners and other people with an interest in the property.

## **Stage 13 – You can challenge whether the compulsory purchase order is valid**

54. If you do not think the compulsory purchase order is valid, you can take action through the Court of Session to challenge it. If you want to challenge whether the order is valid, you must do this within six weeks from the date the authority first publishes the notice of the confirmation of the compulsory purchase order.

55. If your challenge is successful, the court may cancel the compulsory purchase order.

**You can challenge whether the compulsory purchase order is valid, but you have only six weeks from the date the authority first publishes the notice of confirmation to do this.**

**If you want to challenge whether the order is valid, you should get legal advice as quickly as possible.**

## **Stage 14 – The authority takes possession of the property**

56. The compulsory purchase order itself doesn't transfer legal ownership of your property to the authority. The authority needs to follow procedures set out in law to become the legal owner of your property and take possession of it. There are different ways that the authority can do this, but whichever way it chooses, it should give you as much notice as possible about when it wants you to move out.

57. In Scotland, authorities usually use a General Vesting Declaration (GVD). The GVD is a formal procedure that gives the authority legal ownership of the property and the right to enter it and take possession of it on a set date.

58. If the authority is using a GVD, it will send all owners and occupiers a notice of the GVD. The notice will tell you the date the authority will become the legal owner of the property. On that date the authority will have the right to enter and take possession of the property.

59. If the authority doesn't need to enter your property on this date, it might allow you to pay rent to stay in the property for a while as a tenant. If you'd like to do this you should discuss this with the authority. Whether or not the authority is able to agree may depend on its timescale for finishing the development.

**The authority should give you as much notice as possible about when it wants you to move out.**

**If you receive any notices or letters and you aren't sure what they mean, you should immediately contact the organisation that sent you them and ask them to explain.**

**You may also want to get advice from one of the organisations listed at the end of this guide.**

## Compensation and other payments

60. Generally, once the authority takes possession of the property, the people who used to have an interest in it are entitled to compensation from the authority. So you may be entitled to compensation to put you in the same financial position you were in before the authority bought the property under the compulsory purchase order.

61. The authority will ask you to make a claim for compensation and will usually negotiate with you about the amount of compensation you are entitled to. Once you and the authority reach an agreement, the authority will pay you the compensation. Read pages 12 to 17 to find out more about what you may be entitled to.

**The law relating to compulsory purchase compensation is complicated and specialised, so you will probably need expert advice.**

**At the end of this guide there is a list of organisations that you can contact for help and advice.**

62. Whether you are entitled to compensation, and how much compensation and other payments you are entitled to, will depend on your circumstances. But compensation may take account of the following.

### **The market value of your interest in the property**

63. This is based on what you could expect to get if you willingly sold your interest in the property on the open market, without the threat of the compulsory purchase. This means that any reduction or increase in value because of the compulsory purchase order (and the scheme behind the compulsory purchase) is ignored.

64. The market value is usually based on what you use the property for at the moment. But in some cases an owner might be able to show that they would have been able to get planning permission to use the property for something else if it wasn't for the scheme behind the compulsory purchase order. If this is the case, the market value may take that into account.

### **Compensation for 'disturbance' and other losses**

65. Selling your property under a compulsory purchase order may mean that you have to pay costs such as expenses related to moving and professional fees. You may be able to claim back your reasonable costs.

66. This may include reasonable costs associated with buying or renting another property (but not the price of the property or the rent itself) and reasonable costs of moving into and making changes to the new property. For example, you may be able to

claim for moving expenses, legal and surveyors' fees to buy another property, stamp duty, the cost of any special changes that you need to make to the new property, the cost of altering soft furnishings and moveable fittings and fixtures to fit your new home (but not the cost of new soft furnishings), disconnecting and reconnecting services such as a phone, electricity and gas, and the cost of having your post sent on to your new address (for a reasonable period).

**It is up to you to claim compensation and to prove that you are entitled to it. You should keep a detailed record of all costs you have to pay. You should keep all relevant evidence such as receipts, invoices and fee quotes.**

### **Business disturbance**

67. If you own, rent or use business property that is being bought under a compulsory purchase order, compensation for business disturbance may be based either on the costs of relocating your business or bringing the business to a close. This will depend on your circumstances. Normally, the authority will expect you to relocate your business. If this is not possible, it may be necessary for the business to close, in which case compensation may be based on the costs of doing this.

68. If you relocate your business, you may be entitled to claim your reasonable costs. This may include loss of profits, moving expenses, legal fees, surveyors' fees and architects' fees. You may also claim for temporary loss of profits caused by relocating.

69. There may be circumstances where the costs of relocating the business are higher than the value of the business. If this is the case, the authority might argue that compensation should be based on closing the business instead of relocating it. However, the authority should look at each case individually.

### **Home loss payment**

70. If you live in the property, you may be entitled to a home loss payment (even if the property is owned by someone else). This recognises the distress and discomfort that being forced to move out of your home may cause you. Whether or not you are entitled to a home loss payment will depend on how long you have lived in the property.

71. An owner-occupier who qualifies for a home loss payment is entitled to 10% of the market value of their interest in the property, with a minimum payment of £1500 and a maximum payment of £15,000. If you are a tenant who qualifies for a home loss payment, you are entitled to a fixed payment of £1500. If more than one person qualifies for a home loss payment, the amount due will be divided equally between you.

### **Farm loss payment**

72. If your property is an agricultural property, you may be entitled to a farm loss payment. This recognises that your profits may go down for a while as a result of moving to unfamiliar land. The amount of farm loss payment will depend on your circumstances.

### **Professional fees**

73. You will generally be entitled to claim the reasonable professional fees of the person you appoint to negotiate the amount of compensation you are entitled to. You may also be entitled to claim any reasonable legal costs you have to pay to transfer the legal ownership of your interest in the property to the authority.

74. You aren't entitled to claim the costs of general professional advice about the compulsory purchase order, such as any fees involved in objecting to the compulsory purchase order. But you may be able to get free help and advice from some of the organisations listed at the end of this guide.

75. The authority has to repay professional fees to you only once the authority becomes the legal owner of your property and takes possession of it. Until then, you must pay any fees your adviser charges.

76. Early in the compulsory purchase process the authority should tell you the terms on which it will repay any professional fees you have had to pay. Before employing an adviser you should make sure that you, the authority and your adviser are all agreed on the way their fees will be worked out and how and when they will be paid.

77. As a general rule, you are not entitled to reclaim any expenses you might have to pay in connection with an inquiry or hearing into the compulsory purchase order. But if your objection to the compulsory purchase order is successful, you may get some or all of these expenses back. This will depend on the circumstances. (Please see page 9 to find out more about the inquiry or hearing.)

**You will generally be able to claim your adviser's reasonable fees for negotiating the amount of compensation you are entitled to.**

**Before employing an adviser, you should make sure that you, the authority and the adviser are all agreed on how the adviser's fees will be worked out and paid.**

**You aren't entitled to claim the costs of general professional advice about the compulsory purchase, such as any fees in connection with objecting to the compulsory purchase order.**

## **If the authority is only buying part of your property**

78. The compulsory purchase, or the public work that was the reason for the compulsory purchase, might affect any property that you will be left with. This may affect the amount of compensation you are entitled to.

79. In extreme cases, the effect on the rest of your property could be so severe that you may be entitled to force the authority to buy the whole of your property. In other cases, the authority may consider carrying out work on the land you are left with to reduce the effect. (Please see the rest of this page to find out more.)

### **Compensation**

80. You may be entitled to compensation if the market value of your interest in the property that you are left with has been reduced. You may also be entitled to compensation if the use of the public work that was the reason for the compulsory purchase has a negative effect on the property you are left with.

81. But if the market value of your interest in the property you are left with increases because of the public work, the authority might reduce the amount of compensation you receive as a result.

### **Notice of objection to severance**

82. If the effect of the compulsory purchase or the public work on the property that you would be left with is particularly severe, you may be able to serve a notice of objection to severance on the authority. This may force the authority to buy the whole of your property. There are set time limits and conditions for serving this notice, depending on the type of property and what your interest in the property is.

### **Accommodation work**

83. The authority might agree to carry out accommodation work on the property you are left with to reduce the effect of the compulsory purchase or the public work on you. Accommodation work might include fences, hedges, ditches, cattle grids, holding pens and new crossings.

84. The authority will usually reduce the amount of any compensation you receive by the cost of any accommodation work it carries out.

**If the authority is buying only part of your property, you may be entitled to compensation or accommodation work (or both) because of the effect on the rest of your property.**

**If you would prefer the authority to buy all of your property, you may need to act quickly.**

**At the end of this guide there is a list of organisations that you can contact for help and advice.**

## Compensation where the authority is not buying any of your property

85. Sometimes, the value of a property can go down because of the effects of public work, such as noise, vibrations or fumes. In some cases it may be possible to claim compensation for this even if the property was not included in a compulsory purchase order, but there are strict rules for this.

**If your property is badly affected by public work, you may be entitled to compensation even if your property has not been included in a compulsory purchase order.**

## Blight

86. The value of a property might go down because it has been earmarked for a public purpose, such as a new road. This effect is sometimes known as 'blight'. Sometimes it can take many years for a project to happen, and during that time those with an interest in a property that has been earmarked for the work might have difficulty in selling their interest. In some cases those owners can serve a blight notice on the authority. This can force the authority to buy the owner's interest in the property at its value before it was affected by blight, but there are strict rules for this. If you think your property might be affected, you should get professional advice.

**If you are having difficulty selling your property because it has been earmarked for a public purpose you may be able to force the authority to buy it from you.**

## Disputes about compensation

87. If you and the authority are unable to agree the amount of compensation, you or the authority can refer the dispute to the Lands Tribunal for Scotland.

88. The Lands Tribunal is an independent organisation, like a civil court. The tribunal will hear valuation evidence and legal submissions from you and the authority before deciding the amount the authority must pay you as compensation. There are fees for applying to the Lands Tribunal.

89. Referring a dispute to the Lands Tribunal can take over a year, depending on the circumstances. You may be able to claim back your expenses if you're successful. But if you're not successful, the authority may try to claim back its expenses from you. This will depend on the circumstances of the case. You should get professional advice from a solicitor or surveyor before applying to the Lands Tribunal.

90. To find out more you can contact the Lands Tribunal.

Lands Tribunal for Scotland  
George House  
126 George Street  
Edinburgh

Phone: 0131 271 4350

Website: [www.lands-tribunal-scotland.org.uk](http://www.lands-tribunal-scotland.org.uk)

91. Instead of referring the dispute to the Lands Tribunal, you can ask the authority if it is willing to use mediation or some other method of settling disputes to reach agreement. Mediation involves an independent person, who does not work for the authority, talking to all the people involved to try to come to an agreement. It can be quicker, less formal and less expensive than referring the dispute to the Lands Tribunal. In some cases mediation could save time and money for both you and the authority.

**If you can't reach agreement with the authority about the amount of compensation that you are due, you can refer the dispute to the Lands Tribunal for Scotland. But you should consider this carefully and get professional advice before applying to the Lands Tribunal.**

**You can ask the authority if it is willing to use mediation instead of the Lands Tribunal. In some cases using mediation could save time and money for both you and the authority.**

### **Advance payment of compensation**

92. Disputes about compensation can take a long time to settle. In the meantime, you may be entitled to claim an advance payment of compensation. If you qualify for an advance payment of compensation, you are entitled to a payment of 90% of the amount of compensation you are likely to be entitled to. The authority must pay you this within three months of the date that you apply for an advance payment. In some circumstances you may be able to claim interest on the compensation. You can claim an advance payment of compensation at any time after the authority takes possession of your property.

**Now you've read the guide, what should you do next?**

93. If you have any questions about a compulsory purchase order that affects your property, you can contact the authority or one of the organisations listed at the end of this guide.

94. If you aren't sure whether your property is affected by a compulsory purchase order, you can contact your council. You can ask the council if it has any plans to use a compulsory purchase order to buy your property and what stage those plans are at. If the council has no plans to buy your property, you can ask the council's planning department whether it knows whether any other authority has plans that might involve buying your property under a compulsory purchase order.

95. If you are worried that you might be made homeless because your home is being bought under a compulsory purchase order, you should speak to your council as soon as possible. The council must find you a place to live, at reasonable cost, if you can't find anywhere yourself.

**If your property is affected by a compulsory purchase order, you should consider getting advice from a qualified person such as a chartered surveyor or solicitor. They will be able to tell you about your rights and also act for you if appropriate.**

**You might have to pay for this advice, but you may be able to reclaim some of your costs. For more information on professional fees, see page 14.**

**At the end of this guide there is a list of organisations that you can contact for help and advice.**

**Further reading**

96. To find out more about compulsory purchase and compensation law, you can read 'Compulsory Purchase and Compensation: The Law in Scotland' (3<sup>rd</sup> edition), by Professor Jeremy Rowan-Robinson and Elaine Farquharson-Black, published by W.Green, 2009.

97. To find out more about compensation and valuation, you can read the Valuation Office Agency Land Compensation manual at [www.voa.gov.uk](http://www.voa.gov.uk). (This manual mainly focuses on the law in England and Wales, but the general principles are similar.)

## Useful contacts

### Organisations that may be able to arrange free advice for you

#### **Royal Institution of Chartered Surveyors**

Compulsory purchase helpline: 0870 333 1600

Website: [www.rics.org/scotland](http://www.rics.org/scotland)

Email: [Scotland@rics.org](mailto:Scotland@rics.org)

Address: 9 Manor Place, Edinburgh, EH3 7DN

#### **Planning Aid for Scotland**

Planning helpline: 0845 603 7602

Website: [www.planningaidscotland.org.uk](http://www.planningaidscotland.org.uk)

Email: [office@planningaidscotland.org.uk](mailto:office@planningaidscotland.org.uk)

Address: 11a South Charlotte Street, Edinburgh, EH2 4AS

#### **Scottish Citizens Advice Bureau Service**

Website: [www.cas.org.uk](http://www.cas.org.uk) (this has a 'find your local bureau' section)

You can also find details of your nearest citizens advice bureau in your local phone directory.

#### **Scottish Legal Aid Board**

Helpline: 0845 122 8686

Website: [www.slab.org.uk](http://www.slab.org.uk)

Email: [general@slab.org.uk](mailto:general@slab.org.uk)

Address: 44 Drumsheugh Gardens, Edinburgh, EH3 7SW

#### **Shelter Scotland**

Helpline: 0808 800 4444

### Organisations that can put you in touch with a professional adviser

#### **Law Society of Scotland**

Phone: 0131 226 7411

Website: [www.lawscot.org.uk](http://www.lawscot.org.uk)

Email: [lawscot@lawscot.org.uk](mailto:lawscot@lawscot.org.uk)

Address: 26 Drumsheugh Gardens, Edinburgh, EH3 7YR

#### **Royal Institution of Chartered Surveyors**

Phone: 0131 225 7078

Website: [www.rics.org](http://www.rics.org)

Email: [Scotland@rics.org](mailto:Scotland@rics.org)

Address: 9 Manor Place, Edinburgh, EH3 7DN

## Organisations that represent particular groups

### **National Farmers Union (Scotland)**

Phone: 0131 472 4000

Email: [webmaster@nfus.org.uk](mailto:webmaster@nfus.org.uk)

Website: [www.nfus.org.uk](http://www.nfus.org.uk)

Address : Rural Centre, West Mains, Ingliston, Midlothian, EH28 8LT

### **Scottish Property Federation**

Phone: 0131 220 6303

Email: [ghume@bpf.org.uk](mailto:ghume@bpf.org.uk)

Website: [www.scottishpropertyfederation.org.uk/](http://www.scottishpropertyfederation.org.uk/)

Address: 22b Alva Street, Edinburgh, EH2 4PY

### **Scottish Land and Estates (formerly Scottish Rural Property and Businesses Association)**

Phone: 0131 653 5400

Email: [info@scottishlandandestates.co.uk](mailto:info@scottishlandandestates.co.uk)

Website: [www.scottishlandandestates.co.uk](http://www.scottishlandandestates.co.uk)

Address: Stuart House, Eskmills Business Park, Musselburgh, EH21 7PB

## Government departments and agencies

### **The Scottish Government**

Phone: 0131 244 7888

Email: [planningmailbox@scotland.gsi.gov.uk](mailto:planningmailbox@scotland.gsi.gov.uk)

Website: [www.scotland.gov.uk/cpo](http://www.scotland.gov.uk/cpo)

Address: Victoria Quay, Edinburgh, EH6 6QQ

### **Directorate for Planning and Environmental Appeals**

Phone: 01324 696 400

Email: [DPEA@scotland.gsi.gov.uk](mailto:DPEA@scotland.gsi.gov.uk)

Website: [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk)

Address: 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR

### **Lands Tribunal for Scotland**

Phone: 0131 271 4350

Website: [www.lands-tribunal-scotland.org.uk](http://www.lands-tribunal-scotland.org.uk)

Email: [mailbox@lands-tribunal-scotland.org.uk](mailto:mailbox@lands-tribunal-scotland.org.uk)

Address: George House, 126 George Street, Edinburgh, EH2 4HH



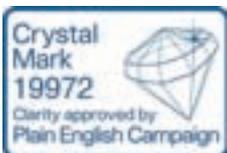
**The Scottish  
Government**

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