

SCHEDULES

SCHEDULE 1

Sections 13 and 14.

ACTUAL OR PROSPECTIVE DEVELOPMENT RELEVANT FOR PURPOSES OF SECTIONS 13 & 14

DESCRIPTION OF DEVELOPMENT

<i>Case</i>	<i>Development</i>
1. Where the acquisition is for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the current development plan as an area of comprehensive development.	Development of any land in that area, other than the relevant land, in the course of the development or redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under the New Towns Act 1946.	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
4. Where any of the relevant land forms part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act 1957 relates, being a scheme which is in operation on the date of service of the notice to treat.	Development of any land in that area, other than the relevant land, in the course of the execution of the scheme.

SCHEDULE 2

Section 17.

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

- 1 (1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition, being—
- (a) an acquisition under Part III of the Town and Country Planning (Scotland) Act 1947, or
 - (b) an acquisition under section 13 of the Housing and Town Development (Scotland) Act 1957, or
 - (c) an acquisition in pursuance of Part IV of the Town and Country Planning (Scotland) Act 1959, or

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- (d) an acquisition of land within the area designated by an order under section 1 of the New Towns Act 1946 as the site of a new town, or
 - (e) an acquisition by a development corporation or a local highway authority or the Secretary of State under the New Towns Act 1946 or under any enactment as applied by any provision of that Act,
- and being (in any such case) an acquisition where the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation.
- (2) The local authority may make and submit to the Secretary of State an order, in such form as may be prescribed by regulations made under section 172 of the Act of 1950, declaring the house to be in the state referred to in the preceding sub-paragraph; and if—
- (a) that order is confirmed by the Secretary of State, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
 - (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section 17 of the Town and Country Planning (Scotland) Act 1947 or the provisions of that section as applied by or under any other enactment or in consequence of the service of a notice under section 6(4) of the New Towns Act 1946 or under Part IV of the Town and Country Planning (Scotland) Act 1959, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Secretary of State,
- the provisions of section 36(2) of the Act of 1950, and the provisions of section 40 of that Act as read with section 20 of the Housing and Town Development (Scotland) Act 1957 (which relate to certain payments in respect of houses purchased or demolished under the Act of 1950) shall apply as if the house had been purchased under Part III of the Act of 1950 as being in the state referred to in the preceding sub-paragraph, and as if any reference in those sections to the local authority were a reference to the acquiring authority.
- (3) Before submitting to the Secretary of State an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on the superior of, and the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.
- (4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (5) Section 24 of the Housing (Scotland) Act 1962 shall have effect in determining for the purposes of this paragraph whether a house is unfit for human habitation as it has effect in so determining for the purposes of the Act of 1950.

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- (6) In this paragraph " appropriate local authority " means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part III of the Act of 1950 relating to clearance areas; and " owner," in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years.
- 2 (1) Where in relation to a compulsory acquisition any of the provisions of the Act of 1950 as to site value apply (whether by virtue of that Act or of an order under paragraph 1 of this Schedule) and—
- (a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as " the relevant house ") and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and
 - (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death,
- the following provisions of this paragraph shall apply in relation to the acquisition; and in those provisions " the dwelling" means so much of the relevant house as the said person occupied as aforesaid.
- (2) Subject to the next following sub-paragraph, the amount of the compensation payable in respect of the acquisition of the relevant interest shall not in any event be less than the gross annual value of the dwelling.
- (3) Where a payment falls to be made under section 40 of the Act of 1950 to the person entitled to the relevant interest, and that payment is attributable to the relevant house, any reference in the last preceding sub-paragraph to the amount of the compensation payable in respect of the acquisition of the relevant interest shall be construed as a reference to the aggregate of that amount and of the amount of the payment.
- (4) For the purposes of this paragraph the gross annual value of the dwelling shall be determined as follows:—
- (a) if the dwelling constitutes the whole of the relevant house, the gross annual value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation roll then in force as the gross annual value of that house for rating purposes ;
 - (b) if the dwelling is only part of the relevant house, an apportionment shall be made of the gross annual value of the relevant house for rating purposes, as shown in the valuation roll in force on the date of service of the notice to treat, and the gross annual value of the dwelling shall be taken to be the amount which, on such an apportionment, is properly attributable to the dwelling.
- (5) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.
- (6) Nothing in this paragraph shall affect the amount which is to be taken for the purposes of section 20 of this Act (which relates to the consideration payable for the discharge

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of land from feu-duty and incumbrances) as the amount of the compensation payable in respect of the acquisition of the relevant interest.

- 3 (1) Where, in the case of any compulsory acquisition.—
- (a) any of the provisions of the Act of 1950 as to site value apply (whether by virtue of that Act or of any order under paragraph 1 of this Schedule); and
 - (b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,
- there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with sub-paragraph (2) of this paragraph.
- (2) The said amount shall be an amount equal to the value, as at the date of service of the notice to treat, of the prospective right to receive such payment (if any) under the War Damage Act 1943 in respect of that hereditament or part of a hereditament, as might reasonably have been expected to become payable if the relevant land had not been compulsorily acquired.
- (3) In this paragraph "hereditament" has the same meaning as in the War Damage Act 1943.
- 4 (1) Where a local authority have before the commencement of this Act made and submitted to the Secretary of State an order under paragraph 1 of Schedule 2 to the Town and Country Planning (Scotland) Act 1959 (which contains provisions similar to those of paragraph 1 of this Schedule), but the Secretary of State has not confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 1 of this Schedule shall apply in relation to that order as if—
- (a) the order had been made under paragraph 1 of this Schedule, and
 - (b) the reference in sub-paragraph (4) of paragraph 1 of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (3) of paragraph 1 of Schedule 2 to the said Act of 1959.
- (2) Any reference in paragraph 2 or paragraph 3 to this Schedule to an order under paragraph 1 thereof shall be construed as including a reference to an order—
- (a) made and confirmed under paragraph 1 of Schedule 2 to the said Act of 1959, or
 - (b) made under the said paragraph 1 and confirmed under the provisions of paragraph 1 of this Schedule applied by sub-paragraph (1) of this paragraph.
- 5 (1) In this Schedule "Act of 1950" means the Housing (Scotland) Act 1950; and "house" has the meaning assigned to it by section 184 of the Act of 1950.
- (2) Any reference in this Schedule to the provisions of the Act of 1950 as to site value is a reference to the following provisions of that Act, that is to say, sections 12(2), 17(4) and 36(2) (which relate respectively to the compensation to be paid on the compulsory acquisition of closed houses, of houses subject to notices relating to the execution of works, and of houses unfit for human habitation).

SCHEDULE 3

Sections 31 and 32.

APPLICATION OF PART V TO CERTAIN CASES

PART I

Disturbance, severance and injurious affection

- 1 Subject to paragraph 2 of this Schedule, any reference in section 31 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.
- 2 If the person entitled to the compensation under the said section 31—
- (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in land held with the land acquired or purchased ; but
 - (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land ;
- any reference in the said section 31 to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

- 3 In determining for the purposes of the said section 31 the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—
- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 14 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land ; but
 - (b) at the time of the planning decision the person entitled to the compensation under the said section 31 is not entitled to the said interest or is entitled thereto only as respects part of the contiguous or adjacent land,
- the amount specified in the said subsection (2) and the principal amount or purchase price mentioned in the said subsection (1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed, or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part thereof.

Land subject to a heritable security

- 4 Subject to the provisions of this Schedule relating to land subject to a trust, where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 33 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to 'the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.

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5 For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the last preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a heritable security.

6 No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement, where the interest acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

Land subject to a trust

7 (1) Where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a trust, and accordingly the compensation or purchase price was payable to the trustees of that trust, any reference (however expressed) in section 31 or section 33 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the trust.

(2) Where the preceding sub-paragraph applies, section 31(4) of this Act shall not apply.

(3) Any compensation paid to the trustees of a trust by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.

PART II

8 (1) Where in a case falling within section 32(3) of this Act the consideration in accordance with section 20(1) of this Act was paid to the trustees of a trust, any reference in the said section 32(3), or in section 33(7) of this Act, to the person who has received the consideration shall be construed as a reference to the trustees for the time being of the trust

(2) Where the preceding sub-paragraph applies, section 32(4) of this Act shall not apply.

(3) Any additional consideration paid to the trustees of a trust by virtue of section 32 of this Act shall be applicable by the trustees as if it were consideration received by them in accordance with section 20 of this Act.

PART III

9 In this Schedule " the relevant date" has the same meaning as in Part V of this Act, and " trust" has the same meaning as in the Trusts (Scotland) Act 1921.

10 References in this Schedule to sections 31, 32 and 33 of this Act include references to those sections as applied by section 34 or section 35 of this Act, and references to the time of any planning decision shall be construed accordingly.

SCHEDULE 4

Section 47.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act 1919.	The whole Act.
21 & 22 Geo. 5. c. 11.	The Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931.	The whole Act.
2 & 3 Geo. 6. c. 22.	The Camps Act 1939	Section 2 (5).
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act 1945.	In Schedule 5 as applied by the New Towns Act 1946, paragraph 8.
9 & 10 Geo. 6. c. 68.	The New Towns Act 1946.	Section 4 (7). In Schedule 5, the entry relating to paragraph 8 of Schedule 5 to the Town and Country Planning (Scotland) Act 1945.
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	Sections 47, 51, 53, 54 and 112 (2). Schedule 7.
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act 1949.	In section 1(3)(b), the words from " and is " to the end of the paragraph; in section 1(4), the words from " including the power" to the end of the subsection; and section 1(7). Section 3(7). Section 5. In section 7(1), the words " and is not contained in the Acquisition of Land Act ". Schedule 1.
12, 13 & 14 Geo. 6. c. 84.	The War Damaged Sites Act 1949.	In section 8(1), the words " in a case to which the Acquisition of Land (Assessment of Compensation) Act, 1919, applies," paragraph (b), and

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Session and Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	the word " and " preceding that paragraph. Section 8(2). Section 103(3).
1 & 2 Eliz. 2. c. 16.	The Town and Country Planning Act 1953.	Section 3(1).
2 & 3 Eliz. 2. c. 73.	The Town and Country Planning (Scotland) Act 1954.	In section 31(1), the words from " by a government " to the end of the subsection. Section 62.
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	Part I except sections 14 to 16. Section 31(4)(f). Schedules 1 to 3. In Schedule 7, the entries relating to section 51 of the Town and Country Planning (Scotland) Act 1947 and section 62 (8) of the Town and Country Planning (Scotland) Act 1954.
1963, c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 22.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 19.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Local Authorities Loans (Scotland) Act 1891	54 & 55 Vict. c. 34.
Light Railways Act 1896	59 & 60 Vict. c. 48.
Development and Road Improvement Funds Act 1909	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Trusts (Scotland) Act 1921	11 & 12 Geo. 5. c. 58.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.

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Short Title	Session and Chapter
War Damage Act 1943	6 & 7 Geo. 6. c. 21.
Requisitioned Land and War Works Act 1945	8 & 9 Geo. 6. c. 43.
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
New Towns Act 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act 1947	10 & 11 Geo. 6. c. 27.
Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947	10 & 11 Geo. 6. c. 42.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Consolidation of Enactments (Procedure) Act 1949	12, 13 & 14 Geo. 6. c. 33.
Lands Tribunal Act 1949	12, 13 & 14 Geo. 6. c. 42.
Housing (Scotland) Act 1950	14 Geo. 6. c. 34.
Town and Country Planning (Scotland) Act 1954	2 & 3 Eliz. 2. c. 73.
Housing and Town Development (Scotland) Act 1957	5 & 6 Eliz. 2. c. 38.
Land Powers (Defence) Act 1958	6 & 7 Eliz. 2. c. 30.
Tribunals and Inquiries Act 1958	6 & 7 Eliz. 2. c. 66.
Town and Country Planning (Scotland) Act 1959	7 & 8 Eliz. 2. c. 70.
Housing (Scotland) Act 1962	10 & 11 Eliz. 2. c. 28.