



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART V

RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

CHAPTER II

INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

Blight notices

101 Notice requiring purchase of blighted land

- (1) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—
- (a) he is entitled to a qualifying interest in that hereditament or unit,
 - (b) he has made reasonable endeavours to sell that interest or the land falls within paragraph 14 or 15 of Schedule 14 and the powers of compulsory acquisition remain exercisable, and
 - (c) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

Status: This is the original version (as it was originally enacted).

- (2) Subject to subsection (3), subsection (1) shall apply in relation to an interest in part of a hereditament or unit as it applies in relation to an interest in the whole of a hereditament or unit.
- (3) Subsection (2) shall not enable any person—
- (a) if he is entitled to an interest in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of his interest in part of a hereditament or unit, or
 - (b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the whole of that part.
- (4) In this Chapter—
- (a) subject to section 112(1), “the claimant”, in relation to a blight notice, means the person who served that notice, and
 - (b) any reference to the interest of the claimant, in relation to a blight notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (1).
- (5) Where the claimant is a crofter or cottar, this section shall have effect as if—
- (a) in subsection (1)(b) for the word “sell” there were substituted the word “assign”,
 - (b) in subsection (1)(c) for the words from “sell that interest” to “to sell” there were substituted the words “assign his interest except at a price substantially lower than that for which he might reasonably have been expected to assign it”, and
 - (c) in subsections (1) and (4) for the word “purchase” there were substituted the words “take possession of”.