



# 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

*Special provisions for requiring purchase of whole of partially affected agricultural units*

**109 Inclusion in blight notice of requirement to purchase part of agricultural unit unaffected by blight**

- (1) This section applies where—
  - (a) a blight notice is served in respect of an interest in the whole or part of an agricultural unit, and
  - (b) on the date of service that unit or part contains land (“the unaffected area”) which is not blighted land as well as land (“the affected area”) which is such land.
- (2) Where this section applies the claimant may include in the blight notice—
  - (a) a claim that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit, and
  - (b) a requirement that the appropriate authority shall purchase his interest in the whole of the unit or, as the case may be, in the whole of the part of it to which the notice relates.
- (3) Subject to section 110(4), “other relevant land” in subsection (2) means—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) if the blight notice is served only in respect of part of the land comprised in the agricultural unit, the remainder of it, and
  - (b) land which is comprised in any other agricultural unit occupied by the claimant on the date of service and in respect of which he is then entitled to an owner's interest as defined in section 119(4).
- (4) Where a blight notice to which this section applies is served by a crofter or cottar, subsection (2) shall have effect as if for paragraph (b) there were substituted the following paragraph—
- “(b) a requirement that the appropriate authority shall take possession of the whole of the unit or, as the case may be, the whole of the part of it to which the notice relates.”