

## 1967 No. 527 (S. 38)

## LAND COMMISSION

## ACQUISITION, MANAGEMENT AND DISPOSAL OF LAND

**The Vesting Declaration (Prescribed Forms) (Scotland)  
Regulations 1967**

<i>Made</i> . . . . .	30th March 1967
<i>Laid before Parliament</i>	5th April 1967
<i>Coming into Operation</i>	6th April 1967

In exercise of the powers conferred on me by sections 9, 21 and 98 of the Land Commission Act 1967(a) and of all other powers enabling me in that behalf, I, being for the purposes of these regulations the appropriate Minister in relation to Scotland, hereby make the following regulations:—

*Citation, extent and commencement*

1. These regulations, which may be cited as the Vesting Declaration (Prescribed Forms) (Scotland) Regulations 1967, apply to Scotland and shall come into operation on 6th April 1967 (being the first appointed day under the Act (b)).

*Interpretation*

2.—(1) In these regulations:—

“the Act” means the Land Commission Act 1967;

“the Commission” means the Land Commission;

“general vesting declaration” has the meaning assigned to it by section 9(2) of the Act.

(2) The Interpretation Act 1889(c) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*General vesting declarations*

3.—(1) For the purpose of section 9(1) of the Act (by virtue of which the Commission may execute a general vesting declaration in respect of land which they are authorised to acquire by a compulsory purchase order) a general vesting declaration shall be in the form specified in Part I of the Schedule to these regulations or in a form substantially to the like effect.

(2) For the purposes of subsection (3) of section 9 of the Act a notice specifying the land specified in a general vesting declaration and stating the effect of the declaration (which notice is required by that subsection to be served by the Commission on the persons referred to in paragraphs (a) and (b) thereof as soon as may be after executing a general vesting declaration) shall be in the form specified in Part II of the Schedule to these regulations or in a form substantially to the like effect.

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(a) 1967 c. 1.      (b) See S.I. 1967/146 (1967 I, p. 241).  
(c) 1889 c. 63.

*Vesting declarations*

4. For the purposes of section 21(3) of the Act a vesting declaration under section 21 (compulsory acquisition in pursuance of notice under section 20) in respect of an interest in land shall be in the form specified in Part III of the Schedule to these regulations or in a form substantially to the like effect.

*William Ross*

One of Her Majesty's Principal  
Secretaries of State

St. Andrew's House,  
Edinburgh, 1.

30th March, 1967,

## SCHEDULE

## PART I

## Regulation 3(1)

*Form of general vesting declaration*

We, THE LAND COMMISSION established by the Land Commission Act 1967 (hereinafter referred to as the "the Act") considering that in exercise of the powers conferred on us by section 6 of the Act we made an Order on

entitled "The  
Compulsory Purchase Order 19 " (hereinafter referred to as "the Order")  
authorising us to acquire compulsorily the land described in the Schedule to the  
Order; Further considering that notice of the making of the Order was first  
published on in accordance with paragraph 6 of  
Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act  
1947 as applied by section 7(1) of the Act and that the Order was recorded in the  
Division of the General Register of Sasines applicable to the County of

on ; And seeing that by virtue  
of section 9(1) of the Act we are empowered where a compulsory purchase order  
has come into operation to execute in respect of any land which we are authorised  
to acquire by the compulsory purchase order a declaration vesting the land in  
us and (a) [Considering that the Order did not prescribe any period longer than  
two months beginning with the date of the first publication of notice of the making  
of the Order as the period before the end of which this general vesting declaration  
could not be executed]

OR

[Considering that the Order prescribed the period of  
beginning with the date of the first publication of notice of the making of the  
Order as the period before the end of which this general vesting declaration could  
not be executed]

OR

[Considering that the consent in writing of every occupier of any of the land  
hereinafter described was obtained for the execution as at the date hereof of this  
general vesting declaration]; NOW THEREFORE in exercise of the powers  
conferred on us by section 9 of the Act WE HEREBY DECLARE that upon the  
expiration of (b) from the date on which the service of  
notices required by section 9(3) of the Act is completed there shall vest in us ALL  
and WHOLE

(here describe land affected either by means of a particular description or  
by reference)

together with the right to enter upon and take possession of the same; It is further  
DECLARED that in relation to this general vesting declaration for the purposes  
of sections 9 and 10 of the Act the expression "long tenancy which is about to

expire" means a tenancy for an interest greater than a minor tenancy as defined in section 26(3) of the Act but having at the date hereof a period of not more than (c) to run; In Witness Whereof these presents are sealed with our common seal and subscribed by (d) [our Secretary] [being a person duly authorised in that behalf] for us and on our behalf at

on

(L.S.)

NOTES

- (a) This paragraph or one or other of the two next following paragraphs in square brackets, whichever is appropriate, should be inserted.
- (b) Specify a period of not less than 28 days.
- (c) Specify a period which is longer than one year.
- (d) The words in square brackets or the words in the next following square brackets, should be inserted, as appropriate.

Certificate of Completion of Service of Notices required by section 9 of the Land Commission Act 1967. To be endorsed on the general vesting declaration before it is recorded.

We, the LAND COMMISSION designed in the foregoing general vesting declaration dated considering that a notice of objection to severance required by section 9(3) of the Land Commission Act 1967 in relation to said general vesting declaration was completed on

[To be attested in same manner as general vesting declaration]

Docket to be endorsed on general vesting declaration before it is recorded where description of land affected by general vesting declaration is altered on account of a notice of objection to severance.

We, the LAND COMMISSION designed in the foregoing general vesting declaration dated considering that a notice of objection to severance in respect of an interest in land where part only of that land was comprised in the said general vesting declaration (which land is hereinafter referred to as "the land proposed to be severed") was served on us under paragraph 4 of Schedule 3 to the Land Commission Act 1967 and that we (a) [served a notice on the objector withdrawing the notice to treat deemed to have been served in respect of the interest in the land proposed to be severed]

or

[by virtue of paragraph 7 of said Schedule 3 are deemed to have served a notice on the objector withdrawing the notice to treat deemed to have been served in respect of the interest in the land proposed to be severed]

or

[served a notice on the objector that the said general vesting declaration shall have effect in relation to the interest in the land proposed to be severed as if the whole of that land had been comprised in the declaration]

or

[referred the notice of objection to severance to an official arbiter appointed in accordance with the provisions of section 2 of the Land Compensation (Scotland) Act 1963 and the official arbiter having determined that the area of the land proposed to be severed which we ought to be required to take should be as follows:

(here describe area of land which official arbiter determines ought to be taken)

Further considering that by virtue of (b) the said general vesting declaration is to have effect in relation to a different area of land than that originally comprised in the declaration NOW THEREFORE by virtue of the power contained in paragraph 12 of the said Schedule 3 WE HEREBY ALTER the description of the land affected by the said general vesting declaration to read as follows, *videlicet*, ALL and WHOLE

(here insert new description of land affected by the declaration either by particular description or description by reference)  
[To be attested in same manner as general vesting declaration]

#### NOTES

- (a) This paragraph or one or other of the three next following paragraphs in square brackets, whichever is appropriate, should be inserted and docket adapted accordingly.
- (b) Insert a reference to paragraph 6(a), 7, 7 as read with 13(2)(c), 9 or 11, whichever is appropriate of Schedule 3 to the Land Commission Act 1967.

#### PART II

#### Regulation 3(2)

#### FORM OF NOTICE STATING EFFECT OF GENERAL VESTING DECLARATION

#### LAND COMMISSION ACT 1967

The Compulsory Purchase Order 19

To:  
of:

NOTICE IS HEREBY GIVEN that the Land Commission (hereinafter called "the Commission") on (date) made a general vesting declaration under section 9 of the Land Commission Act 1967 (hereinafter called "the Act") vesting the land (hereinafter called "the said land") described in the Schedule to this Notice in themselves as from the end of the period of \_\_\_\_\_ days from the date on which the service of notices required by section 9(3) of the Act is completed. (Section 9(3) of the Act requires notices to be served on every occupier of any of the land specified in the declaration (other than land in which there subsists a minor tenancy or a long tenancy which is about to expire (a)) and on every other person who has given information to the Commission with respect to any of that land in pursuance of the invitation published and served under section 7(5) of the Act). The Commission will in due course specify in a certificate the date on which the service of the said notices is completed.

The effect of the general vesting declaration is as follows:

On the date of vesting (as determined in accordance with the preceding paragraph) the said land, together with the right to enter upon and take possession of it, will vest in the Commission as if the circumstances in which under the Lands Clauses Consolidation (Scotland) Act 1845 an acquiring authority have any power to expedite a notarial instrument (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any feu-duty, ground annual or rent, or other payment or incumbrance) had arisen in respect of all the land and all interests therein, and the Commission had duly exercised that power accordingly on that date.

Moreover, on that date the provisions of the Lands Clauses Acts and section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 (both as incorporated by Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947) and of the Land Compensation (Scotland) Act 1963 shall apply as if, on the date on which the general vesting declaration was made (namely the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_) a notice to treat had been served on

(a) The definitions of "minor tenancy" and "long tenancy which is about to expire" are set out in Appendix A to this Notice.

every person on whom, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845 (on the assumption that they required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in that section) the Commission could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before that date and any person entitled to a minor tenancy or a long tenancy which is about to expire).

If the land includes any land in which there is a minor tenancy or a long tenancy which is about to expire, the right of entry to which the preceding provisions of this Notice refer will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the Commission have served on every occupier of any of the land in which the tenancy subsists a notice stating that at the end of such period as is specified in the notice (not being less than fourteen days) from the date of service, they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

Schedule 3 to the Act contains supplementary provisions as to general vesting declarations. These provisions are set out in Appendix B to this Notice.

A copy of the general vesting declaration to which this Notice refers can be inspected at the Land Commission, Office for Scotland, Town Centre, Cumberland, Glasgow, and may be seen there at all reasonable hours.

This Notice is issued on behalf of the Land Commission by

Signed.....

Authorised by the LAND COMMISSION  
to act in that behalf.

THE SCHEDULE above referred to  
APPENDIX A

Here set out section 26(3) of the Act

APPENDIX B

Here set out Schedule 3 to the Act

### PART III

#### Regulation 4

##### *Form of Vesting Declaration under section 21 of the Act*

We, the LAND COMMISSION established by the Land Commission Act 1967 (hereinafter referred to as "the Act") considering that in exercise of the powers conferred on us by the Act we disposed of the land hereinafter described by way of a crownhold disposition within the meaning of section 26(1) of the Act in favour of

(dated)

(a) [and recorded in the Division of the General Register of Sasines applicable to the County of \_\_\_\_\_ on \_\_\_\_\_],  
and said disposition consisted of [a conveyance of our interest as proprietors of the *dominium utile*] [a grant of a feu] [a grant of a tenancy] of ALL and WHOLE  
(here describe land disposed of by the disposition)

said land and the interest therein thereby conveyed [granted] being hereinafter referred to respectively as "the crownhold land" and "the crownhold interest". Further considering that the crownhold land was conveyed [granted] subject to certain crownhold covenants as defined by section 17(3) of the Act and that it thereafter appeared to us that a crownhold covenant contained in the said disposition had been broken we in exercise of the powers conferred on us by section 20 of the Act on \_\_\_\_\_ served a notice under said section 20 on \_\_\_\_\_

being a person then entitled to the crownhold interest in the whole [in part] of the crownhold land [and] [on a person then entitled to an interest consisting of a tenancy of the whole [of part] of the crownhold land created (directly or indirectly) out of the crownhold interest]. And now seeing that [no counter notice was served on us in accordance with section 20(3) of the Act before the expiration of the period of (b) from the date of service of the aforementioned notice] or [a counter notice was duly served on us in accordance with section 20(3) of the Act but was withdrawn on ]

or

[a counter notice was duly served on us in accordance with section 20(3) of the Act and was not withdrawn and an application was made by us for leave to execute this vesting declaration to the Sheriff of at and the said Sheriff having granted leave on

(or give details of the occurrence of the event last occurring as mentioned in section 21(2)(d) of the Act)] THEREFORE in exercise of the power conferred on us by section 21 of the Act We HEREBY DECLARE that the crownhold interest in [the crownhold land] [that part of the crownhold land comprising (c) ] [and] [the interest consisting of a tenancy created out of the crownhold interest by a Lease granted by in favour of

dated [and recorded in the Division of the General Register of Sasines applicable to the County of

on ] of ALL and WHOLE (d) ] shall from vest in us.

In Witness Whereof these presents are sealed with our common seal and subscribed by [our Secretary] [being a person duly authorised in that behalf] for us and on our behalf at on

(L.S.)

.....

#### NOTES

- (a) The words in square brackets throughout this form should be inserted where appropriate.
- (b) A period of not less than 6 weeks as specified in the notice.
- (c) If the crownhold interest of only part of the crownhold land is to vest describe that part by particular description or by reference.
- (d) Describe by particular description or by reference the subjects of the leasehold interest created out of the crownhold interest.

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations prescribe the form of general vesting declaration, and of notice stating the effect thereof, for the purposes of section 9 of the Land Commission Act, 1967, under which the Land Commission may by means of such a declaration vest in themselves land which the Commission are authorised to acquire by a compulsory purchase order.

The Regulations also prescribe the form of vesting declaration for the purpose of section 21 of the Act under which the Commission may similarly vest in themselves an interest in land in respect of which a breach of crownhold covenant has occurred.