

1976 No. 1083 (S. 95)

COMMUNITY LAND

**The Community Land (Prescribed Forms) (Scotland)
Regulations 1976**

Made - - - - 5th July 1976

Coming into Operation 1st September 1976

In exercise of the powers conferred on me by sections 19(2), 21(4)(c), 23(7)(b) and 53 of, and paragraph 2(3) of Schedule 6, paragraphs 4(2), 5(2) and 6(2) of Schedule 7, and paragraph 3(2) of Schedule 8 to, the Community Land Act 1975(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Community Land (Prescribed Forms) (Scotland) Regulations 1976 and shall come into operation on 1st September 1976.

Interpretation

2.—(1) In these regulations, “the Act” means the Community Land Act 1975.

(2) In these regulations, any reference to a numbered form is a reference to the form bearing that number in the Schedule hereto, or a form substantially to the like effect.

(3) In these regulations, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(4) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Prescribed forms

3. The prescribed forms for the provisions of the Act set out below shall be as follows:—

(a) for the purpose of paragraph 2(3) of Schedule 6, the form of an application by an owner to negotiate shall be form 1, and the form of application by an applicant for planning permission to negotiate shall be form 2;

(b) for the purpose of section 19(2), the form of a notice of election to be served on an authority shall be form 3;

(a) 1975 c. 77.

(b) 1889 c. 63.

- (c) for the purpose of paragraph 4(2) of Schedule 7 (planning permission to which section 19 applies) the form of a notice stating that an authority intend or do not intend to acquire the land to which the planning permission relates shall be form 4;
- (d) for the purpose of paragraph 5(2) of Schedule 7 (planning permission to which section 20 applies) the form of a notice stating that an authority intend or do not intend to acquire land to which the planning application relates shall be form 5, or where planning permission is granted following an enforcement notice, form 6;
- (e) for the purpose of paragraph 6(2) of Schedule 7, the form of a notice by an authority that, having served a notice that they intend to acquire, they have decided not to acquire the land shall be form 7;
- (f) for the purpose of section 21(4)(c), the form of a certificate stating that an authority are satisfied that subsections (a) and (b) of section 21(4) have been complied with shall be form 8;
- (g) for the purpose of paragraph 3(2) of Schedule 8, the form of a notice of intention to dispose of land in a disposal notification area shall be form 9; and
- (h) for the purpose of section 23(7)(b), the form of a counter-notice by an authority shall be form 10.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

5th July 1976.

SCHEDULE

FORM 1

Regulation 3(a)

COMMUNITY LAND ACT 1975

APPLICATION BY OWNER UNDER PARAGRAPH 2 OF SCHEDULE 6

To (a)

1. This notice relates to land at (b) details of which are set out at the end of this notice.

2. I/We own a material interest in the land. The material interest which I/we own is (c).

3. If you acquire the land and make it available for development, I/we apply for an opportunity to negotiate [the purchase of a material interest in the land in order to carry out the development for which it is being made available on terms acceptable to you] [or] [to carry out the development for which the land is being made available on terms acceptable to you].

Particulars of the land

(d)

Signed:

Date:

Full name and address of owner of the material interest:

Full name and address of Agent (if any) to whom correspondence should be sent:

NOTES TO FORM 1

- (a) State name and address of authority on which the notice is served.
- (b) State briefly the location of the land.
- (c) State the material interest, e.g. freehold or lease with an unexpired term of not less than 7 years. If lease state number of years unexpired. ("Freehold" means the estate or interest of the proprietor of the *dominium utile* or in relation to land not held on feudal tenure the interest in land of the owner thereof.)
- (d) Give full description of the land and enclose a plan on which it is identified.

FORM 2

Regulation 3(a)

COMMUNITY LAND ACT 1975

APPLICATION BY APPLICANT FOR PLANNING PERMISSION UNDER
PARAGRAPH 2 OF SCHEDULE 6

To (a)

1. This notice relates to land at _____ (b) details of which are set out at the end of this notice.

2. I am/We are an applicant for planning permission for development of the land. The application was dated _____ (c) and was submitted to _____ (d).

3. If you acquire the land and make it available for development and if the development for which you make the land available is development of the same class as the development for which I am/we are an applicant for planning permission, I/we apply for an opportunity to negotiate [the purchase of a material interest in the land in order to carry out the development for which it is being made available on terms acceptable to you] [or] [to carry out the development for which the land is being made available on terms acceptable to you].

4. This application is accompanied by the written consent of the owner of every outstanding material interest in the land which has not already been acquired by you.

Particulars of the land

(e)

Signed:

Date:

Full name and address of the applicant for planning permission:

Full name and address of Agent (if any) to whom correspondence should be sent:

NOTES TO FORM 2

- (a) State name and address of authority on which the notice is served.
- (b) State briefly the location of the land.
- (c) State date of planning application.
- (d) State name and address of planning authority to whom planning application was submitted.
- (e) Give full description of the land and enclose a plan on which it is identified.

Regulation 3(b)

FORM 3

COMMUNITY LAND ACT 1975

NOTICE OF ELECTION UNDER SECTION 19(2)

To (a)

1. This notice relates to land which is covered by planning permission the details of which are set out at the end of this notice.

2. [I/we own] [I/we have entered into a binding contract to acquire] a material interest in the whole of the land covered by the planning permission. The material interest which I/we [own] [have contracted to acquire] is (b).

3. [I am] [We are] entitled to possession of the land as against

(a) every other owner (if any) of a material interest in any of the land, and

(b) every other person (if any) who has entered into a binding contract to acquire a material interest in any of the land.

4. By this notice I/we require all the authorities under the Community Land Act 1975 whose areas include the land to state within 3 months of the date when this notice is served whether or not any of them intend to acquire the land or any part of it.

Particulars of the planning permission (c)

(i) date of the application for permission;

(ii) name of authority which granted the permission;

(iii) date of the permission;

(iv) reference number of the application or permission.

Signed:

Date:

Full name and address of owner or person with binding contract:

Full name and address of Agent (if any) to whom correspondence should be sent:

NOTES TO FORM 3

(a) State name and address of authority on which the notice is served.

(b) State the material interest, e.g. freehold or lease with an unexpired term of not less than 7 years. If lease, state number of years unexpired. ("Freehold" means the estate or interest of the proprietor of the *dominium utile* or in relation to land not held on feudal tenure the interest in land of the owner thereof.)

(c) Give details of all the planning permissions if there are more than one.

Regulation 3(c)

FORM 4

COMMUNITY LAND ACT 1975

NOTICE OF INTENTION BY AUTHORITY UNDER PARAGRAPH 4 OF SCHEDULE 7

To (a)

1. You served a notice of election under section 19(2) of the Community Land Act 1975 on

(b). This notice of election was served on (c) and related to land which is covered by planning permission the details of which are set out at the end of this notice and were set out at the end of the notice of election.

2. By the notice of election you required all the authorities under the Community Land Act 1975 whose areas include the land to state within 3 months of the date when the notice was served whether or not any of them intended to acquire the land or any part of it. The authorities concerned are—

(d)

3. This notice is given by (e) who [INTEND TO ACQUIRE all the land covered by the planning permission and shown (h) on the plan accompanying this notice] [INTEND TO ACQUIRE that part of the land covered by the planning permission which is shown (h) on the plan accompanying this notice] [do NOT intend to acquire any part of the land covered by the planning permission] [and shown (h) on the plan accompanying this notice subject to the following conditions] [and] [do NOT intend to acquire that part of the land covered by the planning permission shown (h) on the plan accompanying this notice] [subject to the following conditions]:—

(f)

[4. This notice is also given on behalf of (g) who [INTEND TO ACQUIRE all the land covered by the planning permission and shown (h) on the plan accompanying this notice] [INTEND TO ACQUIRE that part of the land covered by the planning permission which is shown (h) on the plan accompanying this notice] [do NOT intend to acquire any part of the land covered by the planning permission] [and shown (h) on the plan accompanying this notice subject to the following conditions] [and] [do NOT intend to acquire that part of the land covered by the planning permission shown (h) on the plan accompanying this notice] [subject to the following conditions]:—

(f)

.]

Particulars of the Planning Permission (i)

- (i) date of the application for permission;
- (ii) name of authority which granted the permission;
- (iii) date of the permission;
- (iv) reference number of the application or permission.

Signed:

On behalf of: (j)

Date:

NOTES TO FORM 4

- (a) State name and address of the person who served the notice of election.
- (b) State name of authority on whom notice of election was served.
- (c) State date of service of notice of election.
- (d) Give the names of all the authorities whose areas include any of the land.
- (e) Give name of authority actually giving the notice.
- (f) Set out the conditions (if any).
- (g) State the names of any of the other authorities, whose areas include any of the land, on whose behalf the notice is being served.
- (h) Describe the colouring or other method used to identify the land on the plan.
- (i) Give details of all the planning permissions (if there are more than one) as set out on the notice of election.
- (j) State the name of the authority actually giving the notice and any others on whose behalf it is given.

Regulation 3(d)

FORM 5
COMMUNITY LAND ACT 1975

NOTICE OF INTENTION BY AUTHORITY UNDER PARAGRAPH 5 OF SCHEDULE 7

To (a)

1. An application for planning permission dated (b) made by (c) was received by (d) on (e). This application was for (f).

2. Under the Community Land Act 1975 it is the duty of all authorities whose areas include the land to which an application for relevant development relates to state whether or not any of them intend to acquire the land or any part of it. The authorities concerned are—

(g)

3. This notice is given by (h) who consider the application to be an application for relevant development and (if planning permission is granted in accordance with the application) [INTEND TO ACQUIRE all the land to which the application relates (shown (k) on the plan accompanying this notice)] [INTEND TO ACQUIRE that part of the land to which the planning application relates which is shown (k) on the plan accompanying this notice] [do NOT intend to acquire any part of the land to which the planning application relates] [and shown (k) on the plan accompanying this notice subject to the following conditions] [and] [do NOT intend to acquire that part of the land to which the planning application relates shown (k) on the plan accompanying this notice] [subject to the following conditions]:—

(i)

[4. This notice is also given on behalf of (j) who consider the application to be an application for relevant development and (if planning permission is granted in accordance with the planning application) [INTEND TO ACQUIRE all the land to which the application relates (shown (k) on the plan accompanying this notice)] [INTEND TO ACQUIRE that part of the land to which the planning application relates which is shown (k) on the plan accompanying this notice] [do NOT intend to acquire any part of the land to which the planning application relates] [and shown (k) on the plan accompanying this notice subject to the following conditions] [and] [do NOT intend to acquire that part of the land to which the planning application relates shown (k) on the plan accompanying this notice] [subject to the following conditions]:—

(i)

.]

Signed:

On behalf of: (l)

Date:

NOTES TO FORM 5

(a) State name and address of the person on whom the notice is served. Notice must be served on the applicant for planning permission and on any other person named in a certificate under section 24 of the Town and Country Planning (Scotland) Act 1972 which is submitted with the application.

(b) Give date of application for planning permission.

(c) State name of applicant for permission.

(d) State name of planning authority who received the application.

(e) Give date when a valid planning application was received.

(f) Give brief details of development applied for sufficient to identify the application.

(g) Give the names of all the authorities whose areas include any of the land.

(h) Give name of authority actually giving the notice.

(i) Set out the conditions (if any).

(j) State the names of any of the other authorities, whose areas include any of the land, on whose behalf the notice is being served.

(k) Describe the colouring or other method used to identify the land on the plan.

(l) State the name of the authority actually giving the notice and any others on whose behalf it is given.

FORM 6

Regulation 3(d)

COMMUNITY LAND ACT 1975

NOTICE OF INTENTION BY AUTHORITY UNDER PARAGRAPH 5 OF SCHEDULE 7
WHERE ENFORCEMENT NOTICE HAS BEEN SERVED

To (a)

1. Following the service of an enforcement notice, the Secretary of State granted planning permission for (b) being the development to which the enforcement notice related, and details of the permission are set out at the end of this notice.

2. Under the Community Land Act 1975 it is the duty of all authorities whose areas include the land to which planning permission for relevant development relates to state whether or not any of them intend to acquire the land or any part of it. The authorities concerned are—

(c)

3. This notice is given by (d) who consider the permission to be a permission for relevant development and [INTEND TO ACQUIRE all the land to which the permission relates and shown (g) on the plan accompanying this notice] [INTEND TO ACQUIRE that part of the land to which the permission relates which is shown (g) on the plan accompanying this notice] [do NOT intend to acquire any part of the land to which the permission relates] [and shown (g) on the plan accompanying this notice subject to the following conditions] [and] [do NOT intend to acquire that part of the land to which the permission relates shown (g) on the plan accompanying this notice] [subject to the following conditions]:—

(e)

[4. This notice is also given on behalf of (f) who consider the permission to be a permission for relevant development and [INTEND TO ACQUIRE all the land to which the permission relates and shown (g) on the plan accompanying this notice] [INTEND TO ACQUIRE that part of the land to which the permission relates which is shown (g) on the plan accompanying this notice] [do NOT intend to acquire any part of the land to which the permission relates] [and shown (g) on the plan accompanying this notice subject to the following conditions] [and] [do NOT intend to acquire that part of the land to which the permission relates shown (g) on the plan accompanying this notice] [subject to the following conditions]:—

(e) .]

Particulars of the planning permission

- (i) name and address of person to whom letter of Secretary of State was addressed;
 - (ii) date of letter;
 - (iii) brief details of development;
 - (iv) reference number of the Secretary of State.
- Signed:
On behalf of: (h)
Date:

NOTES TO FORM 6

(a) State name and address of person on whom notice is served. Notice must be served on the applicant for planning permission and on any other person on whom the enforcement notice was served.

(b) Give brief details of the development.

(c) Give names of all the authorities whose areas include any of the land.

(d) Give name of authority actually giving the notice.

(e) Set out the conditions (if any).

(f) State the names of any of the other authorities, whose areas include any of the land, on whose behalf the notice is being served.

(g) Describe the colouring or other method used to identify the land on the plan.

(h) State the name of the authority actually giving the notice and any others on whose behalf it is given.

Regulation 3(e)

FORM 7

COMMUNITY LAND ACT 1975

NOTICE BY AUTHORITY UNDER PARAGRAPH 6 OF SCHEDULE 7
OF CHANGE OF INTENTION

To (a)

1. This notice is given by (b) who on (c) served a notice under paragraph [4] [5] of Schedule 7 to the Community Land Act 1975 that they intended to acquire the land shown (d) on the plan accompanying this notice. The authority have changed their intention.

2. Accordingly notice is given that (b) [do NOT intend to acquire any part of the land shown (d) on the plan accompanying this notice] [do NOT intend to acquire that part of the land shown (d) on the plan accompanying this notice] [subject to the following conditions]:—

(e)

Signed:

On behalf of: (b)

Date:

NOTES TO FORM 7

(a) State name and address of person on whom notice is served. Notice must be served on all the persons on whom the notice of intention to acquire was required to be served and, where the authority have made a compulsory purchase order before serving this notice, this notice must also be served on the persons on whom notice of the making of the compulsory purchase order was required to be served.

(b) State name of authority who have changed their intention.

(c) State date of notice of intention to acquire.

(d) Describe the colouring or other method used to identify the land on the plan.

(e) Set out the conditions (if any).

Regulation 3(f)

FORM 8

COMMUNITY LAND ACT 1975

CERTIFICATE BY AUTHORITY UNDER SECTION 21(4)

This certificate is given by (a) who certify that they are satisfied that:

(i) a material interest in the land shown (b) on the plan accompanying this certificate has been disposed of by them.

(ii) immediately before the disposal there were no material interests in the land outstanding.

(iii) they have approved for the purposes of section 21 of the Community Land Act 1975 the carrying out of the development for which planning permission has been granted by the permission the details of which are set out at the end of this notice.

[(iv) a material interest in the land was disposed of by them before 1st September 1976 and they approve the interest disposed of by them as being an interest appropriate for the purposes of section 21 of the Community Land Act 1975.]

Particulars of the planning permission

- (i) date of the application for permission;
- (ii) name of authority which granted the permission;
- (iii) date of the permission;
- (iv) reference number of the application or permission.

Signed:

On behalf of: (a)

Date:

NOTES TO FORM 8

- (a) State name of authority giving the certificate.
- (b) Describe the colouring or other method used to identify the land on the plan.

FORM 9

Regulation 3(g)

COMMUNITY LAND ACT 1975

NOTICE UNDER SECTION 23(5) OF INTENTION TO DISPOSE

To (a)

1. This notice is given by _____ (b) and relates to _____ (c).
2. At the time of serving this notice the interest which I/we own in the land is _____ (d).
3. I/we propose in not less than 4 weeks and not more than 6 months [to enter into a binding contract to dispose of a material interest (e) in the land] [to dispose of a material interest in the land].
4. [When I/we have carried out the disposal I/we will not retain any material interest in the land or any part of it.] [When the disposal has been carried out I/we will retain a material interest consisting of _____ (f) in [the whole of the land] [part of the land, i.e. _____ (g)].]

Signed:

Date:

Full name and address of person owning the interest in the land:

Full name and address of Agent (if any) to whom correspondence should be sent:

NOTES TO FORM 9

- (a) State the name and address of the authority who have declared the area to be a disposal notification area.
- (b) Give the name and address of the person furnishing the notice. The address should be the place of abode or place of business of the person owning the material interest or, in the case of a company, its registered office.
- (c) Give the address of and any further information necessary to identify the land to which the notice relates. To the extent that it is capable of being so given, this information may be given by reference to a plan accompanying the notice.
- (d) State whether freehold or leasehold. If lease state number of years unexpired. ("Freehold" means the estate or interest of the proprietor of the *dominium utile* or in relation to land not held on feudal tenure the interest in land of the owner thereof.)
- (e) A material interest is a freehold or a lease with not less than 7 years still to run.
- (f) Give details of the material interest being retained.
- (g) Give sufficient information to identify the part of the land in which the person giving the notice will retain an interest. This can be indicated on a plan.

Regulation 3(h)

FORM 10

COMMUNITY LAND ACT 1975

COUNTER-NOTICE BY AUTHORITY UNDER SECTION 23(7)

To (a)

1. This notice is given by (b) on whom you served a notice dated (c) that you [proposed to enter into a binding contract to dispose of a material interest] [proposed to dispose of a material interest] in the land described in your notice.

2. Under the Community Land Act 1975 we are required to tell you whether or not we propose to purchase the land or any part of it. Accordingly we give you notice that [we do not propose to purchase the land or any part of it] [we propose to purchase the land to which your notice related and which is shown (d) on the plan accompanying this notice] [we propose to purchase that part of the land which is shown (d) on the plan accompanying this notice].

Signed:

On behalf of: (b)

Date:

NOTES TO FORM 10

- (a) State name and address of person who served the notice of intention to dispose.
- (b) State name and address of authority giving the notice.
- (c) Give the date of the notice of intention to dispose.
- (d) Describe the colouring or other method used to identify the land on the plan.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the following forms for use in Scotland under the Community Land Act 1975:—

Form 1—Application by Owner under Paragraph 2 of Schedule 6.

Form 2—Application by Applicant for Planning Permission under Paragraph 2 of Schedule 6.

Form 3—Notice of Election under Section 19(2).

Form 4—Notice of Intention by Authority under Paragraph 4 of Schedule 7.

Form 5—Notice of Intention by Authority under Paragraph 5 of Schedule 7.

Form 6—Notice of Intention by Authority under Paragraph 5 of Schedule 7 where Enforcement Notice has been Served.

Form 7—Notice by Authority under Paragraph 6 of Schedule 7 of Change of Intention.

Form 8—Certificate by Authority under Section 21(4).

Form 9—Notice under Section 23(5) of Intention to Dispose.

Form 10—Counter-Notice by Authority under Section 23(7).

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