

1976 No. 820 (S. 70)

ACQUISITION OF LAND

**The Compulsory Purchase of Land (Scotland) Regulations 1976**

<i>Made</i> - - - - -	19th May 1976
<i>Laid before Parliament</i>	7th June 1976
<i>Coming into Operation</i>	1st September 1976

In exercise of the powers conferred on me by paragraphs 2, 3, 6, 13 and 18 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) and by section 273 of and paragraphs 1, 2 and 4 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972(b), 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 Compulsory Purchase of Land (Scotland) Regulations 1976 and shall come into operation on 1st September 1976.

*Interpretation*

2.—(1) In these regulations—

“the Acquisition Act” means the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“acquiring authority” has the meaning assigned to it by section 278(2) of the Planning Act;

“general vesting declaration” has the meaning assigned to it by paragraph 1 of Schedule 24 to the Planning Act;

“Lands Tribunal” means the Lands Tribunal for Scotland;

“the Planning Act” means the Town and Country Planning (Scotland) Act 1972.

(2) In these regulations, any reference to a numbered form is a reference to the form bearing that number in Schedule 1 hereto.

(3) In these regulations, unless 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.

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(a) 1947 c. 42.

(b) 1972 c. 52.

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

*Forms in connection with Compulsory Purchase Orders*

3. The following forms, or forms substantially to the like effect, shall be used for the purposes of Schedule 1 to the Acquisition Act (which sets out the procedure for authorising compulsory purchases):—

- (a) Form 1, for the purposes of paragraph 2 of Schedule 1 (form of compulsory purchase order);
- (b) Form 2, for the purposes of paragraph 3(a) of Schedule 1 (form of newspaper notice of the making of a compulsory purchase order);
- (c) Form 3, subject to the provisions of regulation 4 of these regulations, for the purposes of paragraph 3(b) of Schedule 1 (form of notice to owners, lessees and occupiers of the making of a compulsory purchase order);
- (d) Form 4, for the purposes of paragraph 3(b) of Schedule 1 where the order is made under section 15 of the Community Land Act 1975(b) and contains a certificate under paragraph 1(2) of Schedule 4 to that Act (form of notice to owners, lessees and occupiers of the making of a compulsory purchase order made under section 15 of the Community Land Act 1975 and containing a certificate under paragraph 1(2) of Schedule 4 to that Act);
- (e) Form 5, for the purposes of paragraph 6 of Schedule 1 (form of advertisement and notice of confirmation of a compulsory purchase order); and
- (f) Form 6, for the purposes of paragraph 13 of Schedule 1 (form of newspaper notice of the giving of a certificate under Part III of Schedule 1 to the Acquisition Act).

*Additional provisions with respect to listed buildings*

4. Where a compulsory purchase order is made under section 104 of the Planning Act (which empowers the compulsory acquisition of listed buildings in need of repair) there shall be included in Form 3 the additional paragraphs set out after the notes on that form, as follows:—

- (a) the additional paragraph numbered 1 shall be included in every case;
- (b) the additional paragraph numbered 2 shall be included in any case where the notice is required by section 107(3) of the Planning Act (which provides for minimum compensation in the case of a building deliberately left derelict) to include a statement that the authority has made a direction for minimum compensation; and
- (c) the additional paragraph numbered 3 shall be included in every case.

*Forms in connection with General Vesting Declarations*

5. The following forms, or forms substantially to the like effect, shall be used for the purposes of Schedule 24 to the Planning Act (Execution of general vesting declarations for land acquired by compulsory purchase order):—

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(a) 1889 c. 63.

(b) 1975 c. 77.

- (a) Form 7, for the purposes of paragraph 1 of Schedule 24 (form of general vesting declaration);
- (b) Form 8, for the purposes of paragraph 2(1)(a) of Schedule 24 (form of statement of the effect of paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of paragraph 2(1)(a) of that Schedule to be published in newspapers by inclusion in Form 5 when a general vesting declaration is to be made);
- (c) Form 9, for the purposes of paragraph 2(1)(a) of Schedule 24 (form of statement of the effect of paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of paragraph 2(1)(a) of that Schedule to be served on owners, lessees and occupiers by inclusion in Form 5 when a general vesting declaration is to be made);
- (d) Form 10, for the purposes of paragraph 2(1)(b) of Schedule 24 (form for the giving of information to an acquiring authority in response to an invitation required to be notified under paragraph 2(1)(b) of Schedule 24 to Town and Country Planning (Scotland) Act 1972) and;
- (e) Form 11, for the purposes of paragraph 4 of Schedule 24 (form of notice specifying the land comprised in, and stating the effect of, a general vesting declaration).

#### *Revocations*

6.—(1) The regulations specified in column 1 of Schedule 2 to these regulations are hereby revoked except in so far as the forms prescribed therein are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

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

New St. Andrew's House,  
Edinburgh.  
19th May 1976.

## SCHEDULE 1

## List of Forms

<i>Form</i>	<i>Purpose</i>	<i>Reference to Act</i>
ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947		
1.	Form of compulsory purchase order.	Schedule 1, paragraph 2.
2.	Form of newspaper notice of the making of a compulsory purchase order.	Schedule 1, paragraph 3(a).
3.	Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order.	Schedule 1, paragraph 3(b).
4.	Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order made under section 15 of the Community Land Act 1975 and containing a certificate under paragraph 1(2) of Schedule 4 to that Act.	Schedule 1, paragraph 3(b).
5.	Form of advertisement and notice of confirmation of a compulsory purchase order.	Schedule 1, paragraph 6.
6.	Form of newspaper notice of the giving of a certificate under Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.	Schedule 1, paragraph 13.
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972		
7.	Form of general vesting declaration.	Schedule 24, paragraph 1.
8.	Form of statement of the effect of paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of paragraph 2(1)(a) of that Schedule to be published in newspapers by inclusion in Form 5 when a general vesting declaration is to be made.	Schedule 24, paragraph 2(1)(a).
9.	Form of statement of the effect of paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of paragraph 2(1)(a) of that Schedule to be served on owners, lessees and occupiers by inclusion in Form 5 when a general vesting declaration is to be made.	Schedule 24, paragraph 2(1)(a).
10.	Form for the giving of information to an acquiring authority in response to an invitation required to be notified under paragraph 2(1)(b) of Schedule 24 to the Town and Country Planning (Scotland) Act 1972.	Schedule 24, paragraph 2(1)(b).
11.	Form of notice specifying the land comprised in, and stating the effect of, a general vesting declaration.	Schedule 24, paragraph 4.

Regulation 3(a)

FORM 1

Form of Compulsory Purchase Order

(a) The \_\_\_\_\_ Act \_\_\_\_\_ and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

The (b) \_\_\_\_\_ (hereinafter referred to as “the acquiring authority”) in exercise of the powers conferred on them by section \_\_\_\_\_ of the (c) \_\_\_\_\_ Act hereby make the following compulsory purchase order:—

1.—(1) This order may be cited as the (d) \_\_\_\_\_ Compulsory Purchase Order 19 \_\_\_\_\_.

(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Subject to the provisions of this order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of (e) \_\_\_\_\_ the land which is described in the (f) [first] Schedule hereto and is delineated and coloured (g) \_\_\_\_\_ on the map signed and sealed with reference to this order and marked “Map referred to in the (d) \_\_\_\_\_ Compulsory Purchase Order 19 \_\_\_\_\_”.

(h) [3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that (i) \_\_\_\_\_.]

(j) [4.—(1) In this article “the order land” means (k) [the land described in the First Schedule hereto] [the land described as \_\_\_\_\_ in the First Schedule hereto] and “the exchange land” means the land which is described in the Second Schedule hereto and is delineated and coloured (g) \_\_\_\_\_ on the said map.

(2) As from the date on which this order becomes operative or the date on which the order land, or any of it, is vested in the acquiring authority (whichever is the later), the exchange land shall vest in the persons in whom the order land was vested immediately before that date, subject to the like rights, trusts and incidents as attached thereto; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.]

(l) [5. It is hereby certified that there are no material interests comprised in this order other than outstanding material interests in development land. “Material interest”, “outstanding material interest” and “development land” have the same meanings as in the Community Land Act 1975.]

(m).....

(f) [FIRST] SCHEDULE  
[Land to be purchased]

Number on Map	Description of the land	Owners	Lessees and Occupiers
(1)	(2)	(3)	(4)

(n)

(o) [The order includes land falling within the special categories to which Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 applies, namely—

Number on map

Description]

(p) [SECOND SCHEDULE

Exchange Land]

NOTES

(a) Insert title of the Act authorising compulsory purchase. If the purpose of acquisition as stated in article 2 of the order is contained in some other Act or Acts insert the short or collective title of such Act or Acts.

(b) Insert the name of the acquiring authority.

(c) Insert the section and Act authorising the use of powers of compulsory purchase.

(d) Complete the title of the order.

(e) Describe the purpose in precise terms. Where practicable, the words of the relevant Act may be used, but where those words are in general terms covering a range of purposes, the particular purposes for which the land is required should be stated if possible.

(f) Omit "first" and "Land to be purchased" if article 4 is omitted.

(g) Describe the colouring or other method used to identify the land on the map. The boundaries of each plot of land separately numbered in the Schedule to the order should be clearly delineated. Also, the map itself should contain sufficient topographical detail and be on a scale sufficient to enable the situation of the land to be readily identified and related to the description given in the Schedule.

(h) This article may be omitted or may be inserted with or without the reference to sections 71 to 78.

(i) The modifications required should be indicated, e.g. by the provision—"References in the said section (5) to the company shall be construed as references to the said and references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon."

(j) Omit the whole of article 4 if inappropriate.

(k) Use the first alternative if the whole land described in the First Schedule falls within paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (purchase of common or open space). Otherwise use the second alternative and describe the land, specifying the map number(s) of such part as given in column 1 of the First Schedule.

(l) To be included, if appropriate, only where the order is made under section 15 of the Community Land Act 1975. The modifications of paragraph 4 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 made by paragraphs 2 and 3 of Schedule 4 to the 1975 Act do not have effect unless the order contains this certificate.

(m) Authenticate in the manner appropriate to the authority making the order, giving the date and place of making.

(n) Column 1 need not be completed when the order relates only to one plot of land. Where there are two or more plots they should be numbered on the map and referred to accordingly in column 1. In the case of any land in respect of which the confirming authority has dispensed with service on owners, lessees and occupiers under paragraph 19(4) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, the appropriate columns should be endorsed "unknown". In columns (3) and (4), where the names of owners, lessees and occupiers are uncertain, persons reputed to be in the relevant category may be named and the column heading modified accordingly. In column (4), tenants for a month or less period than a month should be excluded.

(o) The compulsory acquisition of land—

(1) which is the property of a local authority;

(2) which has been acquired by statutory undertakers for the purpose of their undertaking;

(3) forming part of a common or open space or held inalienably by the National Trust for Scotland; or

(4) being, or being the site of, an ancient monument or other object of archaeological interest,

is subject to Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and consequently may be subject to Special Parliamentary Procedure in certain circumstances unless section 41 of the Community Land Act 1975 applies. The column "Description" need only refer to the special category into which the relevant parcel of land falls.

(p) Insert description of the land to be given in exchange. Omit if article 4 is omitted.

Regulation 3(b)

FORM 2

*Form of Newspaper Notice of the making of a Compulsory Purchase Order*

(a) The \_\_\_\_\_ Act \_\_\_\_\_ and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

(b) The \_\_\_\_\_ Compulsory Purchase Order 19 \_\_\_\_\_

Notice is hereby given that the (c) \_\_\_\_\_ in exercise of the powers conferred on them by the above mentioned Acts, on (d) \_\_\_\_\_ 19 \_\_\_\_\_, made the above mentioned (b) \_\_\_\_\_ Compulsory Purchase Order which affects the land described in the Schedule hereto, for the purpose of (e).

The order is about to be submitted to (f) \_\_\_\_\_ for confirmation and comes into operation only if confirmed.

A copy of the order and the map referred to therein have been deposited at (g) \_\_\_\_\_ and may be seen there without payment of fee between the hours of \_\_\_\_\_ and \_\_\_\_\_ on business days.

Any objections to the order must be made in writing stating the title of the order and the grounds of objection and addressed to (h) by (i) \_\_\_\_\_ 19 \_\_\_\_\_.

Date \_\_\_\_\_ (j).....

SCHEDULE

(k)

NOTES

(a) The references to the Acts should be in the same form in which they are included in the order.

(b) Complete the title of the order.

(c) Insert the name of the acquiring authority.

(d) Insert date.

(e) Insert the purpose as stated in the order.

(f) Insert the name of the confirming authority.

(g) The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

(h) Insert the name and address of the confirming authority.

(i) Insert a date at least 21 clear days from the date of first publication of the notice (i.e. 21 days excluding the date of first publication).

(j) Insert name and designation of authorised officer who signs the notice.

(k) Insert description of all the land comprised in the order. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

## FORM 3

Regulation 3(c)

*Form of Notice to Owners, Lessees and Occupiers of the Making of a Compulsory Purchase Order*

**WARNING**  
**If in Doubt about the effect of this Notice consult**  
**the Acquiring Authority or a Solicitor**

(a) The \_\_\_\_\_ Act \_\_\_\_\_ and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

(b) The \_\_\_\_\_ Compulsory Purchase Order 19 \_\_\_\_\_

The (c) \_\_\_\_\_

in exercise of the powers conferred on them by the above mentioned Acts, on the day of \_\_\_\_\_ 19 \_\_\_\_\_, made the above mentioned compulsory purchase order authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of (d).

The order includes land in which you are believed to have an interest as [owner] [lessee] [occupier].

The order is about to be submitted to (e) \_\_\_\_\_ for confirmation and comes into operation only if confirmed.

A copy of the order and of the map referred to therein have been deposited at (f) \_\_\_\_\_ and may be seen there without payment of fee during the hours of \_\_\_\_\_ and \_\_\_\_\_ on business days.

Any objection to the order must be made in writing stating the title of the order and the grounds of objection and addressed to (g) \_\_\_\_\_ by (h) \_\_\_\_\_ 19 \_\_\_\_\_.

(i) \_\_\_\_\_

If no objection is duly made by an owner, lessee or occupier (except a tenant for a month or less), or if all objections so made are withdrawn, or if (e) \_\_\_\_\_ is satisfied that every objection so made relates (j) [either] exclusively to matters of compensation which can be dealt with by the Lands Tribunal for Scotland (j) [or amounts in substance to an objection to the provisions of the development plan defining the proposed use of the land comprised in the order or any other land], (e) \_\_\_\_\_ may, if he thinks fit, confirm the order with or without modifications.

In any other case where an objection has been duly made by an owner, lessee or occupier (except a tenant for a month or less) (e) \_\_\_\_\_ is required before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by (e) \_\_\_\_\_ for that purpose, and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order with or without modifications.

Date \_\_\_\_\_

(k).....



## SCHEDULE

(1)

## NOTES

- (a) The references to the Acts should be in the form in which they are included in the order.
- (b) Complete the title of the order.
- (c) Insert the name of the acquiring authority.
- (d) Insert the purpose as stated in the order.
- (e) Insert the name of the confirming authority.
- (f) The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.
- (g) Insert the name and address of the confirming authority.
- (h) Insert a date at least 21 clear days from the date of service of the notice (i.e. 21 days excluding the date of service).
- (i) Insert here the appropriate additional paragraphs annexed to this form where the compulsory purchase order has been made under section 104 of the Town and Country Planning (Scotland) Act 1972. (See Regulation 4.)
- (j) The words in square brackets are required only where the order is made under sections 102 and 103 of the Town and Country Planning (Scotland) Act 1972.
- (k) Insert name and designation of authorised officer who signs the notice.
- (l) Insert description of all the land comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected.

*Regulation 4*

*Additional paragraphs to be included in Form 3 where compulsory purchase orders are made under section 104 of the Town and Country Planning (Scotland) Act 1972 (Listed Buildings in need of repair)*

1. Under section 104(6) of the Town and Country Planning (Scotland) Act 1972, any person having an interest in a listed building which it is proposed to acquire compulsorily under that section may, within 28 days after the service of this notice, apply to the Sheriff for an order prohibiting further proceedings on the compulsory purchase order; and, if the Sheriff is satisfied that reasonable steps have been taken for properly preserving the building, he shall make an order accordingly.
2. The (a) \_\_\_\_\_ have included in the order a direction for minimum compensation (the meaning of which is explained (b) \_\_\_\_\_). Under section 107(5) of the Town and Country Planning (Scotland) Act 1972, any person having an interest in the building may, within 28 days after the service of this notice, apply to the Sheriff for an order that the direction be not included in the order as confirmed; and if the Sheriff is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or redevelopment of the site or any adjoining site, the Sheriff shall make the order applied for.
3. Subject to any action taken under the Town and Country Planning (Scotland) Act 1972 (which also provides for appeals against the decision of the Sheriff) the position with respect to this order is as set out below.

## NOTES

- (a) Insert the name of the acquiring authority.
- (b) Insert a reference to the place where the meaning of "direction for minimum compensation" is explained—e.g. "below" or "on the attached note". (This explanation is required by section 107(3) of the 1972 Act in any case where a direction is included in an order; and it should include the text of section 107(4).)

## FORM 4

Regulation 3(d)

*Form of Notice to Owners, Lessees and Occupiers of the making of a Compulsory Purchase Order made under Section 15 of the Community Land Act 1975 and containing a Certificate under Paragraph 1(2) of Schedule 4 to that Act*

**WARNING**  
**If in doubt about the effect of this Notice consult  
the Acquiring Authority or a Solicitor**

The Community Land Act 1975, section 15 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

(a) The Compulsory Purchase Order 19

The (b) in exercise of the powers conferred on them by the above mentioned Acts, on the day of 19, made the above mentioned compulsory purchase order authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of (c)

The order includes property in which you are believed to have an interest as [owner] [lessee] [occupier].

The order is about to be submitted to (d) for confirmation and comes into operation only if confirmed.

Copies of the order and the map referred to therein have been deposited at (e) and may be seen there without payment of fee during the hours of and on business days.

Any objection to the order must be made in writing stating the title of the order and the grounds of objection and addressed to (f) by (g) 19.

If no objection is duly made by an owner, lessee or occupier (except a tenant for a month or less), or if all objections so made are withdrawn, or if (d)

is satisfied that every objection so made either relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal for Scotland, or is made on the ground that the acquisition is unnecessary or inexpedient, (d)

is not obliged to hold an inquiry or hearing and may confirm the order with or without modifications.

In any other case where an objection has been made by an owner, lessee or occupier (except a tenant for a month or less) (d) may, before confirming the order, either cause a public local inquiry to be held or afford to the objector the opportunity of appearing before and being heard by a person appointed by (d) for the purpose.

An inquiry or hearing must be held unless (d) is satisfied—

(a) that planning permission for relevant development (as defined in section 3 of the Community Land Act 1975) is in force in respect of the land comprised in the order, and that the planning permission was granted by (d) after a public local inquiry; or

(b) where a local plan for the district in which the land is situated has been adopted or approved under Part II of the Town and Country Planning (Scotland) Act 1972 that the grant of planning permission for relevant development in respect of land comprised in the order would be in accordance with the provisions of that plan; or

(c) where no such plan has been adopted or approved that the grant of planning permission for relevant development in respect of the land comprised in the order would be in accordance with the provisions of the development plan.

After considering the objection, and the report of the person who held the inquiry or hearing if there was one, (d) may then confirm the order with or without modifications.

Date

(h).....

#### SCHEDULE

(i)

#### NOTES

- (a) Complete the title of the order.
- (b) Insert the name of the acquiring authority.
- (c) Insert the purpose as stated in the order.
- (d) Insert the name of the confirming authority.
- (e) The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.
- (f) Insert the name and address of the confirming authority.
- (g) Insert a date at least 21 clear days from the date of service of the notice (i.e. 21 days excluding the date of service).
- (h) Insert name and designation of authorised officer who signs the notice.
- (i) Insert description of all the land comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected.

## FORM 5

Regulation 3(e)

*Form of Advertisement and Notice of Confirmation of a Compulsory Purchase Order***(a) WARNING**

- 1. If in doubt about the effect of this Notice on your property, consult the Acquiring Authority or a Solicitor.**
- 2. Information on the rights to compensation payable and on any time limits may be obtained from the Acquiring Authority.**

(b) The \_\_\_\_\_ Act \_\_\_\_\_ and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

(c) The \_\_\_\_\_ Compulsory Purchase Order 19 \_\_\_\_\_

1. Notice is hereby given that (d) \_\_\_\_\_ in exercise of the powers conferred by section \_\_\_\_\_ of the \_\_\_\_\_ Act \_\_\_\_\_ (e) has confirmed (f) [with modifications] the (c) \_\_\_\_\_ Compulsory Purchase Order 19 \_\_\_\_\_ submitted by the (g) \_\_\_\_\_ (hereinafter referred to as "the acquiring authority").

2. The order as confirmed provides for the purchase for the purpose of (h) of the land described in (f) [the] Schedule [1] hereto.

(f) [By a direction given under [section 121 of the Town and Country Planning (Scotland) Act 1972] [paragraph 4 of Schedule 4 to the Community Land Act 1975] consideration of the order, so far as it relates to the land described in Schedule 2 hereto has been postponed until \_\_\_\_\_.]

3. A copy of the order as confirmed and of the map referred to therein have been deposited at (i) \_\_\_\_\_ and may be seen there without payment of fee between the hours of \_\_\_\_\_ and \_\_\_\_\_ on business days.

4.(j) The order as confirmed becomes operative on \_\_\_\_\_ 19 \_\_\_\_\_ being the date on which this notice is first published; but a person aggrieved by the order may in accordance with the provisions of paragraph 15 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session within 6 weeks from that date, question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

4.(j) The order as confirmed being subject to special parliamentary procedure will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Except in a case where the order is confirmed by an Act of Parliament under section 2(4) as read with section 10 or under section 6 of the said Statutory Orders (Special Procedure) Act 1945, a person aggrieved by the order may in accordance with the provisions of paragraph 15 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session within 6 weeks from the operative date, question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

5. (k)

Date

(l).....

SCHEDULE (f)[1]

Land comprised in the order as confirmed

(f) [SCHEDULE 2

Land in respect of which consideration has been postponed]

NOTES

- (a) To be included only when this form is issued as a notice and in any copies thereof.
- (b) The references to the Acts should be in the form in which they are included in the order.
- (c) Complete the title of the order.
- (d) Insert the name of the confirming authority.
- (e) Insert the section and Act authorising the confirmation of the compulsory purchase order.
- (f) Omit or adapt the words in square brackets where appropriate.
- (g) Insert the name of the acquiring authority.
- (h) Insert the purpose as stated in the order.
- (i) The place of deposit should be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.
- (j) This paragraph or the alternative one whichever is appropriate should be inserted.
- (k) Where this form is to include a statement concerning general vesting declarations the appropriate statement as contained in Form 8 for publication in a newspaper or in Form 9 for service on owners, lessees and occupiers should be included.
- (l) Insert name and designation of authorised officer who signs the notice.

## FORM 6

Regulation 3(f)

*Form of Newspaper Notice of the Giving of a Certificate under Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947*

## The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

1. (a) The \_\_\_\_\_ Compulsory Purchase Order 19\_\_\_\_, which has been submitted by (b) \_\_\_\_\_ to (c) \_\_\_\_\_ for confirmation, includes the land described in the Schedule hereto.

2. This land was acquired by (d) \_\_\_\_\_ for the purposes of their undertaking and the Secretary of State is satisfied that (e) [it is used][an interest is held in it] for the purposes of the carrying on of their undertaking.

OR

This land(e) [is] [forms part of] [a common] [an open space].

OR

This land(e) [is] [forms part of] [is the site of] an ancient monument or other object of archaeological interest.

3. Notice is hereby given that the Secretary of State in exercise of his powers under paragraph (e) [10] [11] [12] of Part III of Schedule 1 to the above mentioned Act, has certified (f)

4. A map showing the land to which the certificate relates (e) [and the land proposed to be given in exchange] has been deposited at (g) \_\_\_\_\_ and may be seen there without payment of fee between the hours of \_\_\_\_\_ and \_\_\_\_\_ on business days.

5. The certificate becomes operative on (h) \_\_\_\_\_ but a person aggrieved by the certificate may, by application to the Court of Session within 6 weeks from that date, question its validity on the ground that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the certificate.

Date

(i).....

## (j) SCHEDULE

## NOTES

- (a) Complete the title of the order.
- (b) Insert the name of the acquiring authority.
- (c) Insert the name of the confirming authority.
- (d) Insert name of statutory undertakers.
- (e) Delete as appropriate.
- (f) Insert the terms of the certificate.
- (g) The place of deposit should be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.
- (h) Insert the date on which the notice is first published.
- (i) Insert name and designation of authorised officer who signs the notice.
- (j) Insert description of land to which the certificate relates.

Regulation 5(a)

## FORM 7

*Form of General Vesting Declaration*

## GENERAL VESTING DECLARATION

We (a) in exercise of the powers conferred on us by section 278 of the Town and Country Planning (Scotland) Act 1972 and the authorisation given to us by the (b) Compulsory Purchase Order 19 , recorded in the Division of the General Register of Sasines applicable to the County of on

HEREBY DECLARE that the land described in the Schedule hereto, together with the right to enter upon and take possession of the same shall vest in us on (c) being the end of a period which meets the requirements of paragraph 1 as read with paragraph 4 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972.

(d).....

## (e) SCHEDULE

(f) [By virtue of paragraph 28 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 we (a) hereby alter the description of the land affected by the foregoing declaration in consequence of the service of a notice of objection to severance by (g) and the operation of paragraph (h) [24] [25] [27] of the said Schedule, and the said declaration (h) [and the (b) Compulsory Purchase Order 19 ] shall have effect in relation to the land described in the Schedule thereto, subject to the following modifications:—

(d).....]

## NOTES

- (a) Insert the name of the acquiring authority.
- (b) Complete the title of the order.
- (c) Insert a date not less than 28 days after the date on which service of the notices required by paragraph 4 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 will be completed.
- (d) Authenticate in the manner appropriate to the authority making the declaration or docquet annexed, giving the date and place of making.
- (e) Insert a particular description of the lands affected or a description by reference in the manner provided by section 61 of the Conveyancing (Scotland) Act 1874. Where appropriate the description should refer to a map annexed to the general vesting declaration.
- (f) Add this docquet where appropriate, specifying the alteration of the description of the land in a manner suitable for recording in the General Register of Sasines. The map should also be suitably amended. If this is done after recording of the declaration has taken place, re-recording is necessary.
- (g) Insert name of person(s) concerned and if appropriate indicate the plot(s) in respect of which the objection was made.
- (h) Delete as appropriate.

## FORM 8

## Regulation 5(b)

*Form of Statement of the effect of Paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of Paragraph 2(1)(a) of that Schedule to be published in Newspapers by inclusion in Form 5 when a General Vesting Declaration is to be made.*

The acquiring authority may acquire the land to which this notice relates by making a General Vesting Declaration under section 278 of the Town and Country Planning (Scotland) Act 1972. Such a declaration shall not be executed before the end of the period of two months beginning with the date of the first publication of this notice except with the consent of every occupier of the land affected. The effect of the making of such a Declaration is to vest the land in the acquiring authority at the end of the appropriate period and is more fully explained in Form 9 (Statement of the Effect of paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of paragraph 2(1)(a) of that Schedule to be served on owners, lessees and occupiers by inclusion in Form 5 when a general vesting declaration is to be made) contained in the Compulsory Purchase of Land (Scotland) Regulations 1976. A copy of the said Regulations has also been deposited and may be seen as aforesaid.

Every person entitled to claim compensation in respect of any interest in the land is invited to give information with respect to his name and address and the land and his interest therein on the prescribed form, a copy of which will be sent by the acquiring authority on application to (*insert address*).

## FORM 9

## Regulation 5(c)

*Form of Statement of the effect of Paragraphs 1 to 8 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 for the purposes of Paragraph 2(1)(a) of that Schedule to be served on Owners, Lessees and Occupiers by inclusion in Form 5 when a General Vesting Declaration is to be made.*

(1) The acquiring authority may acquire the land to which this notice relates by making a general vesting declaration under section 278 of the Town and Country Planning (Scotland) Act 1972 (hereinafter referred to as "the Planning Act"). Such a declaration shall not be executed before the end of the period of two months beginning with the date of the first publication of this notice except with the consent of every occupier of the land affected.

(2) The effect of the making of such a declaration is to vest the land in the acquiring authority at the end of such period as may be specified in the declaration but which will be not less than twenty eight days from the date on which the service of notices required by paragraph 4 of Schedule 24 to the Planning Act is completed. These notices shall specify the land and state the effect of the declaration and shall be served on every occupier of any of the land specified in the declaration (other than land in which there subsists a short tenancy or a long tenancy which is about to expire as hereinafter defined) and on every other person who has given information to the acquiring authority with respect to any of the land to which this notice relates in pursuance of the invitation published and included in this notice.

(3) The effect of a general vesting declaration is as follows:—

At the end of the aforesaid period specified in the declaration the land specified in the declaration, together with the right to enter upon and take possession of it, shall vest in the acquiring authority and on being recorded in the Register of Sasines the declaration shall have the same effect as a conveyance registered in accordance with section 80 of the Lands Clauses Consolidation (Scotland) Act 1845. Also on the date of vesting, the Acts providing for compensation shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 17 of the said Act of 1845, the acquiring authority 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 the date of vesting and any person entitled to a short tenancy or a long tenancy which is about to expire).



(4) Where any land specified in the declaration is land in which there subsists a short tenancy or a long tenancy which is about to expire the right of entry shall not be exercisable in respect of that land unless, after serving notice to treat in respect of that tenancy, the acquiring authority has served on every occupier of any 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 on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired. The vesting of the land in the acquiring authority shall be subject to the tenancy until that period expires or the tenancy comes to an end whichever first occurs.

(5) Paragraph 38 of Schedule 24 to the Planning Act defines “short tenancy” and “long tenancy which is about to expire” as follows:—

“Short tenancy” means a tenancy for a year or from year to year or any lesser interest and “long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a short tenancy, but having at the date of the declaration a period still to run which is not more than the specified period (that is to say, such period longer than one year as may be specified in the declaration in relation to the land in which the tenancy subsists).

In determining what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy and will not exercise any option to terminate the tenancy then or thereafter available to him and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.

(6) Every person entitled to claim compensation in respect of any interest in the land in respect of which a notice to treat has not been given is invited to give information with respect to his name and address and the land and his interest therein on the prescribed form (Form 10) a copy of which is sent with this notice.



Regulation 5(e)

FORM 11

*Form of Notice specifying the Land comprised in, and stating the effect of, a General Vesting Declaration*

The Town and Country Planning (Scotland) Act 1972

(a) The Compulsory Purchase Order 19

Notice is hereby given that (b) (hereinafter called "the acquiring authority") on (c) made a general vesting declaration under section 278 of the Town and Country Planning (Scotland) Act 1972 (hereinafter called "the Planning Act") vesting the land described in the Schedule to this notice (hereinafter called "the said land") in themselves on (d) being the end of a period of not less than twenty eight days from the date on which service of the notices required by paragraph 4 of Schedule 24 to the Planning Act is completed.

The effect of the general vesting declaration is as follows:—

On the date of vesting, the said land, together with the right to enter upon and take possession of it, shall vest in the acquiring authority and the recording of the declaration in the Register of Sasines shall have the same effect as a conveyance registered in accordance with section 80 of the Lands Clauses Consolidation (Scotland) Act 1845. Also, on the date of vesting, the Acts providing for compensation shall apply as if, on the date on which the general vesting declaration was made namely (c)

, a notice to treat had been served on every person on whom the acquiring authority could have served such a notice under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845 (other than any person entitled to an interest in the said land in respect of which such a notice had actually been served before that date and any person entitled to a short tenancy or a long tenancy which is about to expire).

If the said land includes any land in which there is a short tenancy or a long tenancy which is about to expire (See Appendix A), the right of entry shall not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the acquiring authority have served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of a specified period (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is 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 first occurs.

Paragraphs 17 to 36 of Part II of Schedule 24 to the Planning Act contain supplementary provisions as to general vesting declarations. These provisions are set out in Appendix B to this notice.

Date (e).....

SCHEDULE

[Description of the land vested in the acquiring authority by the general vesting declaration]

APPENDIX A

[Here define "short tenancy" and "long tenancy which is about to expire" as set out in paragraph 38 of Schedule 24 to the Planning Act.]

APPENDIX B

[Here set out the provisions of paragraphs 17 to 36 of Schedule 24 to the Planning Act and include a Note after paragraph 34 that paragraphs 32 to 34 should be read with section 6 of the Land Tenure Reform (Scotland) Act 1974.]

## NOTES

- (a) Complete the title of the order.  
 (b) Insert the name of the acquiring authority.  
 (c) Insert date of making of general vesting declaration.  
 (d) Insert a date which conforms with the requirement stated.  
 (e) Insert name and designation of authorised officer who signs the notice.

## SCHEDULE 2

*Regulation 6*

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Compulsory Purchase of Land (Scotland) Regulations 1949	S.I. 1949/1888 (1949 I, p. 2394)	The whole regulations
The Compulsory Purchase of Land (Scotland) Amendment Regulations 1957	S.I. 1957/2248 (1957 I, p. 59)	The whole regulations
The Compulsory Purchase of Land (Scotland) Amendment Regulations 1967	S.I. 1967/853 (1967 II, p. 2529)	The whole regulations
The Compulsory Purchase of Land (General Vesting Declaration) (Scotland) Regulations 1969	S.I. 1969/1570 (1969 III p. 5036)	The whole regulations

## EXPLANATORY NOTE

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

These Regulations consolidate, with amendments, the Regulations prescribing the forms in which compulsory purchase orders and general vesting declarations shall be made and also the notices, advertisements and other documents required in connection therewith.

The Regulations incorporate minor corrections, update the various statutory references to those currently in force and omit obsolete material relating to the expedited completion procedure and to the Land Commission. The principal changes are—

- (a) the introduction of provisions with respect to the compulsory acquisition of listed buildings in need of repair where a compulsory purchase order has been made under section 104 of the Town and Country Planning (Scotland) Act 1972 (Regulation 4 and additions to Form 3);
- (b) additions to Forms 1 and 5 (form of compulsory purchase order and notice of confirmation thereof) to take account of the provisions of the Community Land Act 1975;
- (c) the prescribing of a new form of notice to owners, lessees and occupiers of land comprised in a compulsory purchase order made under section 15 of the Community Land Act 1975 (Form 4); and
- (d) the prescribing of a new shortened form of statement of the effect of a general vesting declaration to be inserted in a newspaper notice of confirmation of a compulsory purchase order (Form 8).



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