



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART V

PLANNING BLIGHT

Blight notices in respect of agricultural units

74 Blight notice requiring purchase of whole agricultural unit

- (1) Where a blight notice is served in respect of an interest in the whole or part of an agricultural unit and on the date of service that unit or part contains land (hereafter referred to as " the unaffected area ") which does not fall within any of the specified descriptions as well as land (hereafter referred to as " the affected area ") which does so, the claimant may include in the 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.
- (2) Subject to section 75(3) below, " other relevant land " in subsection (1) above means—
 - (a) land comprised in the remainder of the agricultural unit if the blight notice is served only in respect of part of it;
 - (b) land comprised in any other agricultural unit occupied by the claimant on the date of service, being land in respect of which he is then entitled to an owner's interest as defined in section 192(4) of the Act of 1972.

75 Objection to blight notice requiring purchase of whole agricultural unit

- (1) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of section 74 above shall include the grounds that the claim made in the notice is not justified.

- (2) Objection shall not be made to a blight notice served by virtue of section 74 above on the grounds mentioned in section 183(2)(c) of the Act of 1972 (part only of affected area proposed to be acquired) unless it is also made on the grounds mentioned in subsection (1) above ; and the Lands Tribunal shall not uphold an objection to any such notice on the grounds mentioned in the said section 183(2)(c) unless it also upholds the objection on the grounds mentioned in subsection (1) above.
- (3) Where objection is made to a blight notice served by virtue of section 74 above on the grounds mentioned in subsection (1) above and also on those mentioned in the said section 183(2)(c), the Lands Tribunal, in determining whether or not to uphold the objection, shall treat that part of the affected area which is not specified in the counter-notice as included in " other relevant land " as defined in section 74(2) above.
- (4) If the Lands Tribunal upholds an objection but only on the grounds mentioned in subsection (1) above, the Tribunal shall declare that the blight notice is a valid notice in relation to the affected area but not in relation to the unaffected area.
- (5) If the Tribunal upholds an objection both on the grounds mentioned in subsection (1) above and on the grounds mentioned in the said section 183(2)(c) (but not on any other grounds) the Tribunal shall declare that the blight notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate authority propose to acquire as therein mentioned but not in relation to any other part of the affected area or in relation to the unaffected area.
- (6) In a case falling within subsection (4) or (5) above, the Tribunal shall give directions specifying a date on which notice to treat (as mentioned in section 76 below and section 185 of the Act of 1972) is to be deemed to have been served.
- (7) Section 184(5) of the Act of 1972 shall not apply to any blight notice served by virtue of section 74 above.

76 Effect of blight notice requiring purchase of whole agricultural unit

- (1) In relation to a blight notice served by virtue of section 74 above, subsection (1) of section 185 of the Act of 1972 shall have effect as if for the words "or (in the case of an agricultural unit) the interest of the claimant in so far as it subsists in the affected area " there were substituted the words " or agricultural unit " and subsection (3) of that section shall not apply to any such blight notice.
- (2) Where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 75(1) above, then if either—
 - (a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he withdraws his claim as to the unaffected area ; or
 - (b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with section 75(4) above,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the affected area (but not in so far as it subsists in the unaffected area) and to have served a notice to treat in respect thereof on the date mentioned in subsection (3) below.
- (3) The said date—
 - (a) in a case falling within paragraph (a) of subsection (2) above, is the date on which notice is given in accordance with that paragraph; and

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- (b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Tribunal in accordance with section 75(6) above.
- (4) Where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 75(1) above and also on the grounds mentioned in section 183(2)(c) of the Act of 1972, then if either—
- (a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice, and withdraws his claim as to the remainder of that area and as to the unaffected area; or
 - (b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with section 75(5) above in respect of that part of the affected area,
- the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area or in the unaffected area) and to have served a notice to treat in respect thereof on the date mentioned in subsection (5) below.
- (5) The said date—
- (a) in a case falling within paragraph (a) of subsection (4) above, is the date on which notice is given in accordance with that paragraph; and
 - (b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Tribunal in accordance with section 75(6) above.
- (6) The compensation payable in respect of the acquisition by virtue of this section of an interest in land comprised in—
- (a) the unaffected area of an agricultural unit; or
 - (b) if the appropriate authority have served a counter-notice objecting to the blight notice on the grounds mentioned in the said section 183(2)(c), so much of the affected area of the unit as is not specified in the counter-notice,
- shall be assessed on the assumptions mentioned in section 5(2), (3) and (4) above.
- (7) In relation to a blight notice served by virtue of section 74 above references to " the appropriate authority" and " the appropriate enactment" shall be construed as if the unaffected area of an agricultural unit were part of the affected area.
- (8) The provisions mentioned in section 189(2) of the Act of 1972 (operation of blight provisions where claimant dies after serving blight notice) shall include subsections (2) and (4) above.