



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART V

PLANNING BLIGHT

Extension of classes of blighted land

64 Land affected by proposed structure and local plans etc.

- (1) In paragraph (a) of section 181(1) of the Act of 1972 (land indicated in a structure plan in force as land which may be required for the purposes of functions of public authorities or as land which may be included in an action area) the reference to a structure plan in force shall include a reference to—
 - (a) a structure plan which has been submitted to the Secretary of State under section 5 of that Act;
 - (b) proposals for alterations to a structure plan which have been submitted to the Secretary of State under section 8 of that Act;
 - (c) modifications proposed to be made by the Secretary of State in any such plan or proposals as are mentioned in the preceding paragraphs, being modifications of which he has given notice in accordance with regulations under Part II of that Act.
- (2) In paragraph (b) of the said section 181(1) (land allocated for the purposes of functions of public authorities by a local plan in force and land defined in such a plan as the site of proposed development for the purposes of any such functions) the reference to a local plan in force shall include a reference to—
 - (a) a local plan of which copies have been made available for inspection under section 10(2) of the Act of 1972 ;
 - (b) proposals for alterations to a local plan of which copies have been made available for inspection under section 13(2) of that Act;
 - (c) modifications proposed to be made by the local planning authority or the Secretary of State in any such plan or proposals as are mentioned in the preceding paragraphs, being modifications of which notice has been given by

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the authority or the Secretary of State in accordance with regulations under Part II of that Act.

- (3) In section 38(1)(b) of the Town and Country Planning (Scotland) Act 1959 as it has effect by virtue of paragraph 49 of Schedule 22 to the Act of 1972 (provisions corresponding to section 181(1)(6) of the Act of 1972 pending coming into force of local plans) the reference to a development plan shall include a reference to—
- (a) proposals for alterations to a development plan submitted to the Secretary of State under paragraph 3 of Schedule 3 to the Act of 1972;
 - (b) modifications proposed to be made by the Secretary of State in any such proposals, being modifications of which notice has been given by the Secretary of State by advertisement.
- (4) No blight notice shall be served by virtue of subsection (1) or (2) above at any time after the copies of the plan or proposals made available for inspection have been withdrawn under section 6(6) or 10(5) of the Act of 1972 (directions by Secretary of State requiring further publicity).
- (5) No blight notice shall be served by virtue of this section after the relevant plan or alterations have come into force (whether in their original form or with modifications) or the Secretary of State has decided to reject or, in the case of a local plan, the local planning authority have decided to abandon the plan or alterations and notice of the decision has been given by advertisement.
- (6) Where an appropriate authority have served a counter-notice objecting to a blight notice served by virtue of this section, then, if the relevant plan or alterations come into force (whether in their original form or with modifications) the appropriate authority may serve on the claimant, in substitution for the counter-notice already served, a further counter-notice specifying different grounds of objection, and section 184 of the Act of 1972 (reference of objections to Lands Tribunal) shall have effect in relation to the further counter-notice as it has effect in relation to the counter-notice already served:
- Provided that a further counter-notice under this subsection shall not be served—
- (a) at any time after the end of the period of two months beginning with the date on which the relevant plan or alterations come into force; or
 - (b) if the objection in the counter-notice already served has been withdrawn or the Lands Tribunal has already determined whether or not to uphold that objection.
- (7) References in subsections (1) to (3) above to anything done under any of the provisions there mentioned include references to anything done under those provisions as they apply by virtue of section 15 of, or paragraph 4 of Schedule 3 to, the Act of 1972 (default powers of Secretary of State).
- (8) In this section references to alterations to a local plan include references to its replacement, and references to alterations to a development plan include references to additions to it.
- (9) In relation to land falling within section 181(1)(b) of the Act of 1972 or section 38(1)(b) of the Town and Country Planning (Scotland) Act 1959, as extended by this section, "the appropriate enactment" for the purposes of sections 181 to 196 of the Act of 1972 shall be determined in accordance with section 195(2) of the Act of 1972 as if references therein to the development plan were references to any such plan, proposals

or modifications as are mentioned in subsection (2)(a), (b) or (c) and subsection (3) (a) or (b) above.

65 Land affected by proposed highway orders

- (1) In section 181(1)(e) of the Act of 1972 (land on or adjacent to line of road proposed to be constructed etc. as indicated in an order or scheme which has come into operation under the provisions of the Trunk Roads Act 1946 or Special Roads Act 1949)—
 - (a) the reference to such an order or scheme which has come into force as aforesaid shall include a reference to an order or scheme proposed to be made or confirmed under section 1(2) of the Trunk Roads Act 1946, section 1, 3 or 14 of the Special Roads Act 1949 or section 15 of the Roads (Scotland) Act 1970 in respect of which a notice has been published under Schedule 2 to the said Act of 1946 or Schedule 1 to the said Act of 1949; and
 - (b) for the reference to section 13 of the Restriction of Ribbon Development Act 1935 there shall be substituted a reference to sections 29 to 33 of the Roads (Scotland) Act 1970 as read with, in addition to the enactments specified in the said section 181(1)(e), section 15 of the said Act of 1970.
- (2) No blight notice shall be served by virtue of this section at any time after the relevant order or scheme has come into operation (whether in its original form or with modifications) or the Secretary of State has decided not to confirm or make the order or scheme.
- (3) Subsection (6) of section 64 above shall have effect in relation to a blight notice served by virtue of this section as it has effect in relation to a blight notice served by virtue of that section taking references to the relevant plan or alterations as references to the relevant order or scheme.

66 Land affected by proposed compulsory purchase orders

- (1) Section 181(1)(g) and (i) of the Act of 1972 (land in respect of which a compulsory purchase order is in force where a notice to treat has not been served) shall apply also to land in respect of which a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister and in respect of which a notice has been published under paragraph 3(1) (a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or under any corresponding enactment applicable thereto.
- (2) No blight notice shall be served by virtue of this section at any time after the relevant compulsory purchase order has come into force (whether in its original form or with modifications) or the Minister concerned has decided not to confirm or make the order.
- (3) In relation to land falling within the said section 181(1)(g) or (i) by virtue of this section " the appropriate enactment " for the purposes of sections 181 to 196 of the Act of 1972 shall be the enactment which would provide for the compulsory acquisition of the land or of the rights in or over the land if the relevant compulsory purchase order were confirmed or made.

67 Land affected by resolution of planning authority or directions of Secretary of State

- (1) Section 181(1) of the Act of 1972 shall have effect as if the land specified therein included land which—
 - (a) is land indicated in a plan (not being a development plan) approved by a resolution passed by a local planning authority for the purpose of the exercise of their powers under Part III of that Act as land which may be required for the purposes of any functions of a government department, local authority or statutory undertakers; or
 - (b) is land in respect of which a local planning authority have resolved to take action to safeguard it for development for the purposes of any such functions or been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.
- (2) Paragraph (a) of the said section 181(1) shall not apply to land within subsection (1) above.
- (3) In relation to land falling within subsection (1) above "the appropriate enactment" for the purposes of sections 181 to 196 of the Act of 1972 shall be determined in accordance with section 195(2) of that Act as if references therein to the development plan were references to the resolution or direction in question.

68 Land affected by orders relating to new towns

- (1) Section 181(1) of the Act of 1972 shall have effect as if the land specified therein included land which—
 - (a) is land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the New Towns (Scotland) Act 1968 ; or
 - (b) is land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the said Act of 1968.
- (2) No blight notice shall be served by virtue of subsection (1)(a) above at any time after the order there mentioned has come into operation (whether in the form of the draft or with modifications) or the Secretary of State has decided not to make the order.
- (3) Until such time as a development corporation is established for the new town, sections 181 to 196 of the Act of 1972 shall have effect in relation to land within subsection (1) above as if " the appropriate authority " and the " appropriate enactment " were the Secretary of State and subsection (4) below respectively.
- (4) Until such time as aforesaid the Secretary of State shall have power to acquire compulsorily any interest in land in pursuance of a blight notice served by virtue of subsection (1) above; and where he acquires an interest as aforesaid, then—
 - (a) if the land is or becomes land within subsection (1)(b) above, the interest shall be transferred by him to the development corporation established for the new town ; and
 - (b) in any other case, the interest may be disposed of by him in such manner as he thinks fit.
- (5) The Land Compensation (Scotland) Act 1963 shall have effect in relation to the compensation payable in respect of the acquisition of an interest by the Secretary of State under subsection (4) above as if the acquisition were by a development

corporation under the New Towns (Scotland) Act 1968 and as if, in the case of land within subsection (1)(o) above, the land formed part of an area designated as the site of a new town by an order which has come into operation under section 1 of the said Act of 1968.

69 Land affected by housing treatment resolution

- (1) Section 181(1) of the Act of 1972 shall have effect as if the land specified therein included land which
 - (a) is land within an area declared to be a housing treatment area by a resolution under section 4 of the Housing (Scotland) Act 1969 where the resolution provides that any of the buildings in that area are to be demolished ; or
 - (b) is land surrounded by or adjoining an area declared as aforesaid to be a housing treatment area, whether or not the resolution provides that any of the buildings in that area are to be demolished.
- (2) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of subsection (1) above shall not include those specified in section 183(2)(b) or (c) of the Act of 1972 (no intention to acquire the land).
- (3) In relation to land within subsection (1) above " the appropriate enactment" for the purposes of sections 181 to 196 of the Act of 1972 shall be section 5 of the Housing (Scotland) Act 1969.

70 Land affected by proposed exercise of powers under section 20

- (1) In section 181(1)(e) of the Act of 1972—
 - (a) the reference to a power of compulsory acquisition conferred by any of the provisions there mentioned shall include a reference to the power of compulsory acquisition conferred by section 20(1) above ;
 - (b) the reference to land required for purposes of construction, improvement or alteration as indicated in an order or scheme there mentioned shall include a reference to land required for the purposes of the said section 20(1).
- (2) Section 181(1) of the Act of 1972 shall have effect as if the land specified therein included land which—
 - (a) is land shown on plans approved by a resolution of a local highway authority as land proposed to be acquired by them for the purposes of the said section 20(1); or
 - (b) is land shown in a written notice given by the Secretary of State to the local planning authority as land proposed to be acquired by him for those purposes in connection with a trunk road or special road which he proposes to provide.

71 Land affected by compulsory purchase orders providing for acquisition of rights in or over land

- (1) Section 181(1) of the Act of 1972 (which sets out the classes of blighted land) shall apply to land in the case of which there is in force a compulsory purchase order providing for the acquisition of a right in or over that land, and the appropriate authority have power to serve, but have not served, notice to treat in respect of the right; and the provisions of that Act mentioned in subsections (2) to (4) below shall accordingly be amended in accordance with those subsections.

(2) In section 181—

(a) at the end of subsection (1) there shall be added the following paragraph—

“(f) is land in the case of which there is in force a compulsory purchase order providing for the acquisition of a right in or over that land, and the appropriate authority have power to serve, but have not served, notice to treat in respect of the right.”;

(b) in subsection (6), for the word " (h) " there shall be substituted the word " (i) ".

(3) In section 183—

(a) after subsection (3) there shall be inserted the following subsection—

“(3A) Where the appropriate enactment confers power to acquire a right in or over land, subsection (2) of this section shall have effect as if—

(a) in paragraph (b), after the word ' acquire' there were inserted the words ' or to acquire any right in or over ';

(b) in paragraph (c), for the words ' do not propose to acquire' there were substituted the words 'propose neither to acquire nor to acquire any right in or over';

(c) in paragraph (d), after the words ' affected area' there were inserted the words ' or to acquire any right in or over any part thereof’”.

(b) in subsection (5), in paragraphs (a) and (b) after the word 'acquire' there shall be inserted the words 'or to acquire any right in or over'

(4) At the end of section 195(1) there shall be added the following words " or, as respects the description contained in paragraph (f) of section 181(1) of this Act, the enactment under which the compulsory purchase order referred to in that paragraph was made. ".