SCHEDULES

SCHEDULE 1

Section 56.

APPLICATION OF SECTION 56 TO STATUTORY SMALL TENANTS

PART I

Modification of section 56

Section 56 above shall apply to a statutory small tenant subject to the following modifications—

(a) for any reference to a croft, crofter or section 12 of the [M1]Crofters (Scotland) Act 1955 there shall be substituted respectively a reference to a holding, statutory small tenant or section 32(15) of the [M2]Small Landholders (Scotland) Act 1911;

(b) in subsection (1), for the words from "crofter" in paragraph (a) to "so required" in paragraph (b) there shall be substituted the words "statutory small tenant and resumption of the holding is authorised by an order of the Scottish Land Court under section 32(15) of the [M3]Small Landholders (Scotland) Act 1911; and (b) the resumption is so authorised";

(c) in subsection (2), for the words "crofter required by such an order to surrender his croft" there shall be substituted the words "statutory small tenant, resumption of whose holding is authorised by such an order";

(d) in subsections (2) and (3), for the words "croft is required to be surrendered", wherever they occur, there shall be substituted the words "holding is authorised to be resumed";

(e) in subsection (2)(a), after the words "year, etc.)" there shall be inserted the words "and section 12 of the [M4]Agriculture (Miscellaneous Provisions) Act 1968" and for the words "the crofter had not been so required to surrender his croft" there shall be substituted the words "resumption of the holding had not been so authorised";

(f) for subsection (2)(b) there shall be substituted the following paragraph—

"(b) any provision of the said section 32(15) relating to compensation to a statutory small tenant shall not have effect in relation to the resumption of the holding by reason of the order.";

(g) in subsection (5), for the words "to surrender", wherever they occur, there shall be substituted the words "authorising resumption of".

Marginal Citations

M1 1955 c. 21.
M2 1911 c. 49.
M3 1911 c. 49.
M4 1968 c. 34.

Changes to legislation: *There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973. (See end of Document for details)*

Marginal Citations

M1 1955 c. 21.
M2 1911 c. 49.
M3 1911 c. 49.
M4 1968 c. 34.

PART II

Section 56 as modified, in its application to statutory small tenants

Resumption of holding of statutory small tenant: right to opt for notice of entry compensation.

(1) This section has effect where—

(a) the person in occupation of an agricultural holding is a statutory small tenant and resumption of the holding is authorised by an order of the Scottish Land Court under section 32(15) of the [M5]Small Landholders (Scotland) Act 1911; and

(b) the resumption is so authorised—

(i) after an acquiring authority have served notice to treat on the landlord of the holding or, being an authority possessing compulsory purchase powers, have agreed to acquire his interest in the holding; and

(ii) where the Court have been satisfied under the said section 32(15) that the landlord desires to resume the holding for a reasonable purpose which is a purpose other than an agricultural purpose.

(2) If the statutory small tenant, resumption of whose holding is authorised by such an order, elects that this subsection shall apply to the order and gives up possession of the holding to the acquiring authority on or before the date on which the holding is authorised to be resumed in accordance with the order—

(a) section 114 of the [M6]Lands Clauses Consolidation (Scotland) Act 1845 (compensation for tenants from year to year, etc.) and section 12 of the [M7]Agriculture (Miscellaneous Provisions) Act 1968 shall have effect as if resumption of the holding had not been so authorised and the acquiring authority had taken possession of the holding in pursuance of a notice of entry under paragraph 3 of Schedule 2 to the [M8]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 on the day before that on which the holding is authorised to be resumed in accordance with the order; and

(b) any provision of the said section 32(15) relating to compensation to a statutory small tenant shall not have effect in relation to the resumption of the holding by reason of the order.

(3) No election under subsection (2) above shall be made or, if already made, continue to have effect in relation to any land to which such an order relates if, before the date on which the holding is authorised to be resumed in accordance with the order, an acquiring authority take possession of that land in pursuance of an enactment providing for the taking of possession of land compulsorily.

(4) Any election under subsection (2) above shall be made by notice in writing served on the acquiring authority not later than the date on which possession of the holding is given up.

(5) This section shall have effect in relation to an order authorising resumption of part of a holding as it has effect in relation to an order authorising resumption of an entire holding and references to a holding shall be construed accordingly.

(6) The reference in subsection (1)(b)(i) above to a notice to treat served by an acquiring authority includes a reference to a notice to treat deemed to have been so served under any of the provisions mentioned in section 49(5) above.

Marginal Citations

M5 1911 c. 49.
M6 1845 c. 19.
M7 1968 c. 34.
M8 1947 c. 42.

Marginal Citations

M5 1911 c. 49.
M6 1845 c. 19.
M7 1968 c. 34.
M8 1947 c. 42.

SCHEDULE 2

Section 81.

CONSEQUENTIAL REPEALS AND AMENDMENTS IN LAND COMPENSATION ACT 1973

PART I

REPEALS

Modifications etc. (not altering text)

C1 The text of Ss. 18(10), 34(7), 61, 62, 71(2)(3)(4), 72, 77(2)(3), Sch.2 pt.1 and pt.II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Section 2(8).

In section 3(5) the words “or the Lands Tribunal for Scotland” and “or expenses”.

Section 4(6).

Section 5(6).

Section 6(7).

Changes to legislation: *There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973. (See end of Document for details)*

Section 8(8).

Section 10(5).

Section 11(6).

In section 16(1) the words “or, in Scotland. the Lands Tribunal for Scotland”.

Section 18(2).

In section 19, in subsection (1), in the definition of “highway” the words “in relation to England and Wales” and the words from “and, in relation to Scotland” onwards, and the definitions of “highway authority” and “land” ; and subsection (4).

In section 20, in subsection (10) the words “or section 8 of the Development and Road Improvement Funds Act 1909” ; and in subsection (1 1) the words “and sections 24(4) and 29(a) of the Rent (Scotland) Act 1971”.

Section 22(11).

In section 23(1)(d) the words from “section 3” to “1970”.

Section 24(6).

In section 25 the words “or section 8 of the Development and Road Improvement Funds Act 1909”.

In section 26(6) the words “or in Scotland a road” and the words from “or, as respects Scotland” onwards.

In section 27(5) the words “or in Scotland a road”.

Section 28(5).

In section 29, in subsection (j), in paragraph (b) the words “, passing” and “, resolution” and, in the words following paragraph (c), the words “, passed the resolution” ; subsection (4)(c) ; in subsection (5) the words “or section 181 of the Town and Country Planning (Scotland) Act 1972” and “or section 11 of the New Towns (Scotland) Act 1968” ; in subsection (7) the word “, resolution” where it first occurs, in paragraphs (a) and (c) the words following “1969” and paragraph (b); and in subsection (8) the second paragraph.

In section 30(1) the words “in England and Wales”.

Section 31.

Section 32(9).

Section 34(7).

In section 35, in subsection (7), in paragraph (a) the words “(or, in Scotland, an interest as owner thereof)” and in paragraph (c) the words “or section 12 of the Land Compensation (Scotland) Act 1963” ; and in subsection (9) the words “or, in Scotland, the Lands Tribunal for Scotland”.

In section 36, in subsection (5) the words “or the Lands Tribunal for Scotland” and “or expenses” ; and in subsection (6) the words “or, in Scotland, section 40 of the Land Compensation (Scotland) Act 1963”.

In section 37, in subsection (1), in paragraph (b) the words “, passing” and “, resolution” and in the words following paragraph (c), the words “, passed the resolution” ; in subsection (2), in paragraph (c), the word “, resolution” and, in the words following that paragraph the words

"section 20 of the Housing (Scotland) Act 1966 or section 10 of the Housing (Scotland) Act 1969" and "or sections 18 to 20 of the Housing (Scotland) Act 1969" ; in subsection (3) the word ", resolution" where it first occurs and the words ", the resolution was passed" ; in subsection (6) the words "or, in Scotland, section 40 of the Land Compensation (Scotland) Act 1963"; subsection (8) ; and in subsection (9) the word ", resolution".

In section 38, in subsection (3)(a) the words "or having duties under section 12 of the Social Work (Scotland) Act 1968" ; and in subsection (4) the words "or, in Scotland, the Lands Tribunal for Scotland".

In section 39, in subsection (1), in paragraph (b) the words ", passing" and ", resolution" ; in subsection (2) the words "or section 181 of the Town and Country Planning (Scotland) Act 1972" ; subsection (4)(c) ; in subsection (5) the words "or paragraph 1 of Schedule 8 to the Housing (Scotland) Act 1966" ; in subsection (6) the word ", resolution" where it first occurs and the words ", the resolution was passed" ; in subsection (7) the words "or district" and "or that district under Part VII of the Housing (Scotland) Act 1966" ; and in subsection (9) the word ", resolution".

Section 41 (11).

In section 42, in subsection (1)(b) the words "or Part VII of the Housing (Scotland) Act 1966" ; in subsection (2) the words "or a house provided by them under Part *VII of the said Act of 1966", "or (in Scotland) a house to which the housing revenue account relates not so provided", "or the said Part VII" and "or house" ; and in subsection (6) the words "or, in relation to Scotland, the Housing (Financial Provisions) (Scotland) Act 1972".

Section 44(3).

Section 46(8).

Section 48(7).

Section 49.

In section 50(4) the words "or Schedule 24 to the Town and Country Planning (Scotland) Act 1972".

Section 51(7).

Section 52(13).

In section 53, in subsection (5) the words "or sections 169 to 177 of the Town and Country Planning (Scotland) Act 1972" and "or Schedule 24 to the said Act of 1972" ; and in subsection (6) the words "sections 91 and 92 of the Lands Clauses Consolidation (Scotland) Act 1845".

Section 54(9).

Section 55(5).

Section 56(5).

Section 57(4), (5) and (6).

Section 58(3).

Section 59(8).

Section 60.

Section 61(6).

Section 62.

Section 63(2).

In section 64 the words "and paragraph 15 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947".

Sections 65 to 67.

Section 83.

In section 87, in subsection (1), in the definitions of "agriculture", "agricultural" and "agricultural land" the words "or, in relation to Scotland, section 86 of the Agriculture (Scotland) Act 1948" , in the definition of "agricultural holding" the words "or, in relation to Scotland, section 1 of the Agricultural Holdings (Scotland) Act 1949", in the definition of "agricultural unit" the words from "or, in relation to Scotland" onwards, in the definitions of "acquiring authority"and "authority possessing compulsory purchase powers" the words from "or, in relation to Scotland" onwards, the definitions of "cottar" and of "croft", "crofter" and "landlord" in relation to a croft, in the definition of "disabled person" the words from "or, in relation to Scotland" onwards, in the definition of "dwelling" the words "or, in relation to Scotland, a private house", the definitions of "heritable security", "holding", "landholder", "owner", "road" and "statutory small tenant" and in the definition of "tenancy" the words "in relation to England and Wales and" ; and in subsection (3) the words from "or, in relation to Scotland" onwards.

Schedules 1 and 2.

PART II

AMENDMENTS

Modifications etc. (not altering text)

C2 The text of Sch. 2 Pt. II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

In section 16(2) for the words "either of those Tribunals" there shall be substituted the words " the Tribunal ".

In section 23(1)(d) after "1959" there shall be inserted the word " or ".

In section 29(7)(a) and (c) after "1957" there shall be inserted the word " or ".

F1 . . . . . .

Textual Amendments

F1 Entry in Sch. 2 Pt. II repealed (25.9.1991) (E.W.S.) by Planning and Compensation Act 1991 (c. 34, SIF 28:1, 28:2), s. 84(6), **Sch. 19**, Pts.III, IV (with s. 84(5)); S.I. 1991/2067, **art.3**

In section 37(2) after "1957" where it occurs for the second time there shall be inserted the word " or ".

In section 87(1), in the definition of "agricultural holding", for the words "these Acts respectively" there shall be substituted the words " that Act ".

In section 89(4) there shall be added at the end the words " and, except section 86 and Schedule 3, does not extend to Scotland ".

Changes to legislation:
There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973.