



Planning and Compensation Act 1991

1991 CHAPTER 34

PART IV

LAND COMPENSATION - SCOTLAND

78 Time limit on validity of notice to treat.

- (1) A notice to treat under section 17 of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845 shall, for the purposes of any compulsory purchase to which the provisions of the first Schedule to the ^{M2}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 apply, cease to have effect at the end of the period of three years beginning with the date on which it is served unless—
 - (a) the compensation has been agreed or awarded or has been paid or paid into a bank;
 - (b) a general vesting declaration has been executed under paragraph 1 of [^{F1}Schedule 15 to the Town and Country Planning (Scotland) Act 1997];
 - (c) the acquiring authority have entered on and taken possession of the land specified in the notice; or
 - (d) the question of compensation has been referred to the Lands Tribunal for Scotland.
- (2) If the person interested in the land, or having power to sell and convey it, and the acquiring authority agree to extend the period referred to in subsection (1) of this section, the notice to treat shall cease to have effect at the end of the period as extended unless—
 - (a) any of the events referred to in that subsection have then taken place; or
 - (b) the parties have agreed to a further extension of the period (in which case this subsection shall apply again at the end of the period as further extended, and so on).
- (3) Where a notice to treat ceases to have effect by virtue of subsection (1) or (2) of this section, the acquiring authority—

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 78. (See end of Document for details)

- (a) shall immediately give notice of that fact to the person on whom the notice was served and any other person who, since it was served, could have made an agreement under subsection (2) of this section, and
- (b) shall be liable to pay compensation to any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect.
- (4) The amount of any compensation payable under subsection (3) of this section shall, in default of agreement, be determined by the Lands Tribunal for Scotland.
- (5) Compensation payable to any person under subsection (3) of this section shall carry interest at the rate prescribed under section 40 (rate of interest after entry on land) of the ^{M3}Land Compensation (Scotland) Act 1963 from the date on which he was entitled to be given notice under that subsection until payment.

Textual Amendments

- F1** Words in s. 78(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 49(1)**(with s. 5, Sch. 3)

Modifications etc. (not altering text)

- C1** S. 78 restricted (18.9.1991) by S.I. 1992/2092, art. 4, **Sch. 2 Pt. I para. 3**
- C2** S. 78 applied (15.1.2007) by Glasgow Airport Rail Link Act 2007 (asp 1), **s. 28** (with s. 50)
- C3** S. 78 applied (19.4.2007) by Edinburgh Airport Rail Link Act 2007 (asp 16), **s. 34** (with ss. 52, 60)
- C4** S. 78 applied (8.5.2007) by Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19), **s. 34** (with ss. 48, 59)
- C5** S. 78 applied (1.6.2010) by The Network Rail (Waverley Steps) Order 2010 (S.S.I. 2010/188), arts. 1, **30**
- C6** S. 78 applied (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **31** (with art. 37)

Commencement Information

- I1** S. 78 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations

- M1** 1845 c. 19.
- M2** 1947 c. 42.
- M3** 1963 c. 51.

Changes to legislation:

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