



Town and Country Planning Act 1959

1959 CHAPTER 53

PART V

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

44 Land declared (otherwise than by development plan) to be subject to compulsory purchase

- (1) Where by virtue of paragraph 17 of the Tenth Schedule to the Act of 1947 (which relates to land declared by an order under section one of the Town and Country Planning Act, 1944, to be subject to compulsory purchase) the provisions of Part IV of the Act of 1947 apply in relation to any land as mentioned in that paragraph,—
- (a) the provisions of Part IV of, and the Fifth Schedule to, this Act, and
 - (b) subject to the following provisions of this section, subsection (3) of section six of the Act of 1947 (which empowers the Minister to amend development plans) and subsection (1) of section nine of that Act (which relates to land which has for a long period been designated by a development plan as subject to compulsory acquisition),

shall have effect in relation to that land as if it were land designated by a development plan as subject to compulsory acquisition.

- (2) For the purposes of the application to any land, by virtue of the preceding subsection, of subsection (1) of section nine of the Act of 1947, the reference in the said subsection (1) to the date therein mentioned shall be construed as a reference to the date of the coming into operation of the order under section one of the Town and Country Planning Act, 1944, whereby the land was declared to be subject to compulsory purchase.
- (3) Notwithstanding anything in subsection (1) of this section, no notice shall be served under subsection (1) of the said section nine as applied by that subsection before the end of the period of twelve months beginning with the commencement of this Act.
- (4) In relation to any land to which subsection (1) of this section applies, subsections (2) and (3) of section nine of the Act of 1947 shall have effect with the substitution, in

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subsection (2) of that section, for the words " the development plan shall have effect, after the expiration of the said six months, as if the land were not designated as subject to compulsory acquisition " , of the words " on the expiration of the said six months paragraph 17 of the Tenth Schedule to this Act shall cease to apply to the land ".

- (5) Any reference in this section to subsection (1) of section nine of the Act of 1947 shall be construed as including a reference to that subsection as modified by subsection (5) of that section (which, in the case of agricultural land, substitutes a period of eight years for the period of twelve years mentioned in subsection (1)).
- (6) In the application of this section to Scotland, for any reference to the Town and Country Planning Act, 1944, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1945; and for references to the Act of 1947, section six of that Act, section nine of that Act and Part IV of that Act there shall be substituted references respectively to the Scottish Act of 1947, section four of that Act, section seven of that Act and Part III of that Act.

45 Compensation for damage to requisitioned land

- (1) In relation to compensation accruing due after the twenty-ninth day of October, nineteen hundred and fifty-eight, by virtue of paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939 (which relates to compensation payable in respect of damage occurring to requisitioned land during the period of requisition), section fifty-three of the Act of 1954 (which limits the amount of that compensation) shall have effect as if any reference to the price which, at the relevant time and in the relevant circumstances, would be the compulsory purchase price of the land were a reference to the value which, at that time and in those circumstances, would be the value of such an interest in the land as is mentioned in paragraph (a) of subsection (2) of the said section fifty-three (that is to say, a freehold interest free from incumbrances but subject to any easement or other restriction affecting the land at the relevant time).
- (2) In this section " the relevant time " means the time when the compensation accrues due, and " in the relevant circumstances " means if the land were at the relevant time in the state in which it was when possession of the land was taken in the exercise of emergency powers.
- (3) In the application of this section to Scotland, for any reference to section fifty-three of the Act of 1954 there shall be substituted a reference to section fifty-five of the Scottish Act of 1954; and for the words from " a freehold interest " to the end of subsection (1) there shall be substituted the words " the dominium utile in the land, subject to any feu duty, any ground annual and any servitude or other restriction affecting the land at the relevant time, but otherwise free from burdens ".

46 Acquisition of land in connection with town development in England and Wales

- (1) Any power of the Minister under section six of the Town Development Act, 1952, to authorise the compulsory acquisition of land for purposes connected with town development shall, subject to the provisions of this section, be exercisable notwithstanding that the land is not immediately required for those purposes.
- (2) The compulsory acquisition of land shall not be authorised by virtue of the preceding subsection unless the Minister is satisfied that the land is likely to be required for the purposes therein mentioned within ten years from the date on which he confirms the compulsory purchase order.

(3) In this section " town development" has the same meaning as in the said Act of 1952.

(4) This section shall not apply to Scotland.

47 Acquisition of land in connection with town development schemes in Scotland

(1) The power of the Minister under subsection (1) of section thirteen of the Housing and Town Development (Scotland) Act, 1957, to authorise a receiving authority to acquire land compulsorily for purposes connected with a town development scheme under Part II of that Act shall, subject to the provisions of this section, be exercisable notwithstanding that it is not immediately necessary for the proper execution of the town development scheme that the land should be so acquired.

(2) The compulsory acquisition of land shall not be authorised by virtue of the preceding subsection unless the Minister is satisfied that it is likely to become, within ten years from the date on which he confirms the compulsory purchase order, necessary for the purpose mentioned in subsection (1) of this section that the land should be acquired as therein mentioned.

(3) In this section " town development scheme " and " receiving authority " have the same meanings respectively as in the said Act of 1957.

(4) This section shall apply to Scotland only.

48 Acquisition of land for highways

(1) Any power of the Minister of Transport and Civil Aviation under any enactment contained in Part X of the Highways Act, 1959, to acquire by agreement land required for a purpose mentioned in that enactment shall be exercisable in respect of any land which, in the opinion of that Minister, may be required for that purpose, notwithstanding that the land is not immediately required for that purpose.

(2) In the application of this section to Scotland, for any reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the Minister and for any reference to any enactment contained in Part X of the Highways Act, 1959, there shall be substituted a reference to section thirteen of the Restriction of Ribbon Development Act, 1935, as read with any of the following enactments, that is to say, section four of the Trunk Roads Act, 1936, section five of the Trunk Roads Act, 1946, and sections nine, ten and fourteen of the Special Roads Act, 1949.

49 Advances to highway authorities in respect of land acquired for highways

(1) The power of the Minister of Transport and Civil Aviation under section two hundred and thirty-five of the Highways Act, 1959, to make advances to highway authorities shall include power to make such advances in respect of the acquisition of land by a highway authority, where that Minister is satisfied that the land has been or is to be acquired by that authority with a view to the construction of a new highway or the improvement of an existing highway.

(2) Where any land is acquired by a highway authority, and the Minister of Transport and Civil Aviation is satisfied as mentioned in the preceding subsection, the power of that Minister to make advances under the said section two hundred and thirty-five shall also include power to make such advances in respect of either or both of the following, that is to say,—

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- (a) any amount by which the annual expenditure incurred by the authority in maintaining the land, during the period between its acquisition and the construction or improvement of the highway in question, and in the payment of loan charges accruing due during that period in respect of any debt incurred by the authority for the purpose of acquiring the land, exceeds the annual income accruing to the authority from the land during that period; and
 - (b) any loan charges accruing due after the end of that period in respect of any money borrowed by the authority for the purpose of acquiring the land.
- (3) In this section " loan charges", in relation to any borrowed money, means the sums required for the payment of interest on that money and for the repayment thereof either by instalments or by means of a sinking fund.
- (4) In the application of this section to Scotland, for any reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the Minister; for any reference to section two hundred and thirty-five of the Highways Act, 1959, there shall be substituted a reference to section eight of the Development and Road Improvement Funds Act, 1909; for any reference to a highway (except in the expression " highway authority ") there shall be substituted a reference to a road; and expressions used in this section and in the said section eight shall have the same meanings in this section as in that section.

50 Amendment, of s. 81 of Lands Clauses Consolidation (Scotland) Act, 1845

- (1) Section eighty-one of the Lands Clauses Consolidation (Scotland) Act, 1845 (which relates to expenses of conveyances) shall, in relation to any conveyance of lands granted after the commencement of this Act, have effect as if any reference therein to the charges and expenses of establishing the title to the lands included a reference to any expenses necessarily incurred by the seller in taking any action he may be requested by the promoters of the undertaking to take in connection with the conveyance in question.
- (2) In this section " conveyance ", " seller " and " promoters of the undertaking " have the same meanings as in the said section eighty-one.

51 Recovery of certain sums from acquiring authorities

- (1) Section fifty-two of the Act of 1954 (which relates to the recovery from acquiring authorities of certain sums payable under Part I of that Act in respect of land acquired under compulsory powers) shall have effect, and shall be deemed always to have had effect, with the substitution, in subsection (2) of that section (which specifies cases in which no sum is to be recoverable thereunder), of the following paragraph for paragraph (b) (which relates to interests in land acquired for the purposes of the development or re-development of an area as a whole):—
- “(b) the interest was acquired under Part I of the Town and Country Planning Act, 1944, or under Part IV of the principal Act, or in accordance with the provisions of the said Part IV as applied by section nineteen of the principal Act, and was so acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or redevelopment of any area as a whole, or was acquired in pursuance of such a notice to treat or contract under powers conferred by a local Act, and for purposes, which are certified

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by the Minister to have been powers and purposes similar respectively to those mentioned in the preceding provisions of this paragraph; or”

- (2) Section fifty-two of the Act of 1954 shall also have effect, and shall be deemed always to have had effect, as if the following subsection were inserted after subsection (2) of that section:—

“(2A) Without prejudice to the last preceding subsection, where the interest was acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, and on the date of service of the notice to treat, or on the date on which the contract was made, as the case may be, the land in which the interest subsisted was used wholly or mainly for agricultural purposes, subsection (1) of this section shall not apply to so much of any payment referred to in that subsection as is attributable to any part of the land in respect of which it is certified by the Minister that he is satisfied that the acquiring authority have no intention—

- (a) of using it (otherwise than temporarily) for purposes other than agricultural purposes, or
- (b) of disposing of it by way of sale, exchange or letting with a view to its being so used”.

- (3) In relation to compulsory acquisitions to which section one of this Act applies, and in relation to any sale of an interest in land by agreement in circumstances corresponding to such an acquisition, section fifty-two of the Act of 1954 shall have effect with the substitution, for subsection (6) of that section, of the following subsections:—

“(6) Where, in the case of a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies, or of a sale of an interest in land which (within the meaning of that Act) is a sale thereof by agreement in circumstances corresponding to such an acquisition, any of the land comprised in the acquisition or sale is land in respect of which a notice under subsection (5) of section twenty-eight of this Act, or under the provisions of that subsection as applied by section thirty-nine or section forty-six of this Act, is registered (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Minister shall be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with subsection (6) of section twenty-eight of this Act) is to be treated as attributable to that land:

Provided that—

- (a) if, immediately after the completion of the acquisition or sale, there is outstanding some interest in that land to which a person other than the acquiring authority is entitled, the said sum shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority;
- (b) no sum shall be recoverable under this subsection in the case of a compulsory acquisition or sale where the Minister is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

- (6A) Where by virtue of the last preceding subsection the Minister recovers a sum in respect of any land, by reason that it is land in respect of which a notice is

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registered under subsection (5) of section twenty-eight of this Act as applied by section thirty-nine of this Act, subsections (2) and (3) of section forty-one of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the said section forty-one.”

- (4) In subsection (4) of section sixty-four of the Act of 1954 (which provides for the payment into the Exchequer of certain sums received by the Minister or the Central Land Board under that Act) the references to subsections (1) to (5) of section fifty-two of that Act, and to subsection (6) of that section, shall be construed as including references respectively to subsections (1) to (5) and to subsection (6) of that section as amended by the preceding provisions of this section.
- (5) In the application of this section to Scotland—
- (a) for references to the Act of 1954 and to sections fifty two and sixty-four of that Act there shall be substituted references respectively to the Scottish Act of 1954 and to sections fifty-four and sixty-four of that Act; and
 - (b) subsection (1) of this section shall have effect as if for the paragraph (b) set out therein there were substituted the following paragraph, that is to say—
 - “(b) the interest was acquired under Part I of the Town and Country Planning (Scotland) Act, 1945, or under Part III of the principal Act, or in accordance with the provisions of the said Part III as applied by section seventeen of the principal Act, and was so acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or re-development of any area as a whole, or was acquired in pursuance of such a notice to treat or contract under powers conferred by a local Act, and for purposes, which are certified by the Secretary of State to have been powers and purposes similar respectively to those mentioned in the preceding provisions of this paragraph ; or”;
 - and
 - (c) subsection (2) of this section shall have effect as if, in the subsection (2a) set out therein, for the words " the Minister ", there were substituted the words " the Secretary of State "; and
 - (d) subsection (3) of this section shall have effect as if for the subsections (6) and (6a) set out therein there were substituted the following subsections, that is to say—
 - “(6) Where in the case of a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies, or of a sale of an interest in land which (within the meaning of that Act) is a sale thereof by agreement in circumstances corresponding to such an acquisition, any of the land comprised in the acquisition or sale is land in respect of which a notice under subsection (1) of section twenty-nine, or subsection (4) of section forty-one, of this Act or under the provisions of the said subsection (1) as applied by section forty-eight of this Act is recorded (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Secretary of State shall be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the

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notice as (in accordance with subsection (2) of section twenty-nine of this Act) is to be treated as attributable to that land:

Provided that—

- (a) if, immediately after the completion of the acquisition or sale, there is outstanding some interest in that land to which a person other than the acquiring authority is entitled, the said sum shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority;
- (b) no sum shall be recoverable under this subsection in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(6A) Where by virtue of the last preceding subsection the Secretary of State recovers a sum in respect of any land, by reason that it is land in respect of which a notice is recorded under subsection (4) of section forty-one of this Act, subsections (2) and (3) of section forty-three of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the said section forty-three.”

52 Application of Act to Crown

- (1) The provisions of Part I of this Act, and of the First, Second, Third and Sixth Schedules thereto, apply in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments, being public authorities possessing compulsory purchase powers, as they apply in relation to the acquisition of interests in land by such authorities which are not government departments; and any reference in this Act to a compulsory acquisition to which section one of this Act applies, or to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be construed accordingly.
- (2) The provisions of sections thirty-six and thirty-seven of this Act shall apply in relation to any application for planning permission relating to Crown land as they apply in relation to applications for planning permission relating to any other land.
- (3) The rights conferred by Part IV of this Act shall be exercisable by a person who (within the meaning of that Part of this Act) is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and the provisions of Part IV of this Act, and of the Fifth Schedule to this Act, shall apply accordingly.
- (4) In so far as any power conferred by section six of the Town Development Act, 1952, is exercisable in respect of Crown land, that power as extended by section forty-six of this Act shall be exercisable in respect of Crown land to the like extent.
- (5) Paragraph 2 of the Sixth Schedule to this Act shall apply in relation to an interest in land which is a Duchy interest as it applies in relation to an interest in land which is a private interest.
- (6) In this section " Crown land " has the same meaning as in section eighty-seven of the Act of 1947, and " Duchy interest" and " private interest" have the same meanings as in section sixty-one of the Act of 1954.

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- (7) In the application of this section to Scotland, for any reference to section six of the Town Development Act, 1952, there shall be substituted a reference to section thirteen of the Housing and Town Development (Scotland) Act, 1957, for any reference to section forty-six of this Act there shall be substituted a reference to section forty-seven of this Act, for any reference to section eighty-seven of the Act of 1947 there shall be substituted a reference to section eighty-three of the Scottish Act of 1947, and for any reference to the Act of 1954 there shall be substituted a reference to the Scottish Act of 1954.

53 Special provision as to ecclesiastical property in England

- (1) Where the fee simple of any ecclesiastical property, not being property in Wales or Monmouthshire, is in abeyance, it shall be treated for the purposes of this Act as being vested in the Church Commissioners.
- (2) In this section "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.
- (3) This section shall not apply to Scotland.

54 Adjustment of unexpended balances of established development value

The provisions of the Sixth Schedule to this Act shall have effect as to the reduction or extinguishment of unexpended balances of established development value (within the meaning of the Act of 1954 or the Scottish Act of 1954, as the case may be) in consequence of compulsory acquisitions to which section one of this Act applies, and of sales of interests in land by agreement in circumstances corresponding to such acquisitions.

55 Provisions as to inquiries, notices, regulations and orders

- (1) Section one hundred and four of the Act of 1947 (which authorises the Minister to hold local inquiries for the purposes of that Act) and section one hundred and five of that Act (which relates to the service of notices) shall apply for the purposes of this Act.
- (2) The Minister may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.
- (3) Any power conferred by this Act to make an order shall include power to vary or revoke the order by a subsequent order.
- (4) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument.
- (5) Any statutory instrument containing regulations or an order made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In the application of this section to Scotland, for references to sections one hundred and four and one hundred and five of the Act of 1947 there shall be substituted references respectively to sections one hundred and one hundred and one of the Scottish Act of 1947.

56 Financial provisions

There shall be paid out of moneys provided by Parliament—

- (a) any administrative expenses incurred by the Minister in consequence of the passing of this Act;
- (b) any sums necessary to enable any government department to make payments in pursuance of section thirteen of this Act;
- (c) any sums necessary to enable any government department to pay any compensation or additional consideration becoming payable by them under the provisions of section eighteen of this Act, or under those provisions as extended by section twenty-one of this Act;
- (d) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

57 Interpretation

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" acquiring authority ", in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

" the Act of 1919 " means the Acquisition of Land (Assessment of Compensation) Act, 1919;

" the Act of 1947 " means the Town and Country Planning Act, 1947;

" the Act of 1954 " means the Town and Country Planning Act 1954;

" authority to whom the Act of 1919 applies " means a government department or local or public authority within the meaning of that Act, or a person or body of persons to whom that Act applies as it applies to such a department or authority;

" compulsory acquisition " and " public authority possessing compulsory purchase powers ", in relation to England and Wales, have the same meanings as in the Act of 1954, and, in relation to Scotland, have the same meanings as in the Scottish Act of 1954;

" corporate land " has the same meaning as in the Local Government Act, 1933 ;

" disposal " means disposal by way of sale, exchange, excambion or lease, or by way of the creation of any easement, servitude, right or privilege, or in any other manner, except by way of appropriation, gift, mortgage or the creation of a heritable security, and " dispose of " shall be construed accordingly;

" function " means a power or a duty, and " grant-aided function ", in relation to a body, means a function in respect of which a grant or contribution (other than any grant under the Local Government Act, 1958, or the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, and any Exchequer subsidy under the Housing (Financial Provisions) Act, 1958, or any of the enactments specified in Part I of the Sixth Schedule to the Housing (Scotland) Act, 1950) is payable to that body by a government department out of moneys provided by Parliament;

" government department " includes a Minister of the Crown;

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" highway " has the same meaning as in the Highways Act, 1959;

" local enactment " means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

" the Minister ", except in Part II of this Act, in relation to England and Wales means the Minister of Housing and Local Government and in relation to Scotland means the Secretary of State ;

" outline application " means an application for planning permission subject to subsequent approval on any matters;

" planning decision ", in relation to England and Wales, means a decision made on an application under Part III of the Act of 1947, and, in relation to Scotland, means a decision made on an application under Part II of the Scottish Act of 1947 ;

" planning permission ", in relation to England and Wales, means permission under Part III of the Act of 1947 and, in relation to Scotland, means permission under Part II of the Scottish Act of 1947;

" prescribed " (except in relation to matters required or authorised by this Act to be prescribed by an order) means prescribed by regulations under this Act;

" the Scottish Act of 1947 " means the Town and Country Planning (Scotland) Act, 1947;

" the Scottish Act of 1954 " means the Town and Country Planning (Scotland) Act, 1954 ;

" special enactment " means a local enactment, or a provision contained in an Act other than a local or private Act, being a local enactment or provision authorising the compulsory acquisition of land specifically identified therein;

" tenancy ", in relation to England and Wales, has the same meaning as in the Landlord and Tenant Act, 1954.

- (2) In this Act, in relation to a compulsory acquisition in pursuance of a notice to treat, " the relevant interest " means the interest acquired in pursuance of that notice, " the relevant land " means the land in which the relevant interest subsists, and " the notice to treat " means the notice to treat in pursuance of which the relevant interest is acquired.
- (3) Subject to the preceding subsections, and except in so far as the context otherwise requires,—
- (a) in relation to England and Wales, expressions used in this Act and in the Act of 1947 have the same meanings in this Act as in that Act;
 - (b) in relation to Scotland, expressions used in this Act and in the Scottish Act of 1947 have the same meanings in this Act as in that Act.
- (4) Subsections (3), (6) and (7) of section sixty-nine of the Act of 1954 (which relates to the interpretation of that Act) shall apply for the purposes of this Act in relation to England and Wales as they apply for the purposes of that Act; and in relation to Scotland subsections (3), (4), (6), (7) and (9) of section sixty-nine of the Scottish Act of 1954 (which relates to the interpretation of that Act) shall apply for the purposes of this Act as they apply for the purposes of that Act.
- (5) Subsections (2) and (3) of section one hundred and twelve of the Act of 1947, and subsections (2) and (3) of section one hundred and eight of the Scottish Act of 1947, shall apply respectively for the purposes of the construction of references in this Act

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to the Third Schedule to the Act of 1947 and to the Third Schedule to the Scottish Act of 1947.

- (6) For the purposes of this Act a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—
- (a) to both of them beneficially, or
 - (b) to both of them as trustee of one particular trust, or
 - (c) to both of them as personal representative of one particular person;
- and in this subsection " trustee ", as respects Scotland, has the same meaning as in the Trusts (Scotland) Act, 1921.
- (7) In this Act, in relation to Scotland, any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feu-duty and ground annual.
- (8) Any reference in this Act to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies is a reference to a sale thereof to a public authority possessing compulsory purchase powers, being a sale in pursuance of a contract made after the twenty-ninth day of October, nineteen hundred and fifty-eight.
- (9) For the purposes of this Act development of land shall be taken to be initiated—
- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
 - (b) if the development consists of a change in use, at the time when the new use is instituted;
 - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.
- (10) Any reference in this Act to any provisions of the Highways Act, 1959, shall be construed as including a reference to any corresponding enactment repealed by that Act.
- (11) In the application of this Act to London—
- (a) without prejudice to the operation of the last preceding subsection, any reference in this Act to provisions of the Highways Act, 1959, which extend to London subject to modifications shall be construed as a reference to those provisions as so modified;
 - (b) any reference in this Act to provisions of the Highways Act, 1959, which do not extend to London shall be construed as mentioned in the last preceding subsection notwithstanding that the repeal of the corresponding enactment by that Act does not extend to London ; and
 - (c) any reference to a highway authority or a local highway authority includes a reference to the London County Council.

In this subsection " London " means the administrative county of London.

- (12) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

58 Minor and consequential amendments and repeals

- (1) Subject to the following provisions of this section, and without prejudice to any amendments having effect by virtue of the preceding provisions of this Act,—
 - (a) the enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule ; and
 - (b) the enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (2) The amendments of section nineteen of the Act of 1947 and of section seventeen of the Scottish Act of 1947 specified in the Seventh Schedule to this Act shall not have effect in relation to any purchase notice served before the commencement of this Act; but those amendments, and the amendments made by section thirty-five of this Act, shall have effect in relation to any purchase notice served after the commencement of this Act—
 - (a) under the provisions of the said section nineteen or section seventeen as applied by any other provision of either of those Acts or of the Act of 1954 or the Scottish Act of 1954, or
 - (b) under any order made (whether before or after the commencement of this Act) under any other provision of the Act of 1947 or the Scottish Act of 1947, except in so far as a contrary intention is expressed in any such order made after the commencement of this Act.
- (3) The amendments of, and repeals in, section fifty-three of the Act of 1954 and section fifty-five of the Scottish Act of 1954 specified in the Seventh and Eighth Schedules to this Act shall not have effect in relation to any compensation accruing due on or before the twenty-ninth day of October, nineteen hundred and fifty-eight.
- (4) The amendment of the Second Schedule to the Housing Act, 1957, specified in the Seventh Schedule to this Act shall not have effect in relation to compulsory acquisitions to which section one of this Act does not apply.
- (5) The repeals specified in the Eighth Schedule to this Act shall not affect the operation of any enactment in relation to compulsory acquisitions to which section one of this Act does not apply, or in relation to sales of interests in land by agreement, not being sales in circumstances corresponding to compulsory acquisitions to which section one of this Act applies.
- (6) In accordance with subsections (1) to (3) of section thirty-five of this Act, and with the preceding provisions of this section, section nineteen of the Act of 1947 shall have effect, in relation to purchase notices served after the commencement of this Act, as set out in the Ninth Schedule to this Act.
- (7) In accordance with subsections (1), (3) and (6) of section thirty-five of this Act, and with the preceding provisions of this section, section seventeen of the Scottish Act of 1947 shall have effect, in relation to purchase notices served after the commencement of this Act, as set out in the Tenth Schedule to this Act.

59 Short title, citation, commencement and extent

- (1) This Act may be cited as the Town and Country Planning Act, 1959; and the Town and Country Planning Acts, 1947 to 1954, and this Act, except Part II thereof, may be cited together as the Town and Country Planning Acts, 1947 to 1959, and the Town and Country Planning (Scotland) Acts, 1947 to 1954, and this Act, except Part II thereof,

Status: This is the original version (as it was originally enacted).

may be cited together as the Town and Country Planning (Scotland) Acts, 1947 to 1959.

- (2) This Act shall come into operation at the end of the period of one month beginning with the day on which it is passed.
- (3) This Act shall not extend to Northern Ireland.