



Town and Country Planning (Scotland) Act 1959

1959 CHAPTER 70

PART V

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

43 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 (Scotland) Act, 1945, to be subject to compulsory purchase) the provisions of Part III 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 four of the Act of 1947 (which empowers the Secretary of State to amend development plans) and subsection (1) of section seven 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 seven 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 (Scotland) Act, 1945, 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 seven as applied by that subsection before the end of the period of twelve months beginning with the commencement of this Act.

Status: This is the original version (as it was originally enacted).

- (4) In relation to any land to which subsection (1) of this section applies, subsections (2) and (3) of section seven of the Act of 1947 shall have effect with the substitution, in 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 seven 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)).