
 S T A T U T O R Y I N S T R U M E N T S

1976 No. 2022 (S. 169)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General) (Scotland)

Regulations 1976

Made - - - - - 25th November 1976

Laid before Parliament 8th December 1976

Coming into Operation 29th December 1976

In exercise of the powers conferred on me by section 273, as read with sections 88(3), 153(1), 158(2), 159(2), 166(4), 169(1), 176(2), 177(1), 178(1), 182(1), 183(1), 190(1), 201(6), 208(1) and (2) and 269(2)(b) of the Town and Country Planning (Scotland) Act 1972(a) and section 73(1) of the Land Compensation (Scotland) Act 1973(b) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (General) (Scotland) Regulations 1976, and shall come into operation on 29th December 1976.

Interpretation

2.—(1) In these regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“the 1973 Act” means the Land Compensation (Scotland) Act 1973.

(2) References 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.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Notices and counter-notices relating to planning blight

3. The forms set out in Schedule 1 hereto or forms substantially to the like effect are the prescribed forms of blight notice for the purposes of section 182 and 190 of the Act and section 73 of the 1973 Act, and of the counter-notice for the purposes of section 183 of the Act.

(a) 1972 c. 52.
(c) 1889 c. 63.

(b) 1973 c. 56.

Claims for compensation and purchase notices

4.—(1) A claim for compensation made to a planning authority under sections 153, 154, 158, 159, 166, 176 or 201 of the Act, or a purchase notice served on a planning authority under sections 169, 177, 178 or 180 of the Act shall be in writing and shall be served on that authority by delivering it at the offices of the authority or by sending it by prepaid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be—

- (a) in the case of a claim for compensation, 6 months, and
- (b) in the case of a purchase notice, 12 months,

from the date of the decision in respect of which the claim or notice is made or given:

Provided that the period may be extended by the Secretary of State in any particular case.

Notices, etc., to occupiers and persons having an interest in premises

5. The manner in which a notice or document such as is referred to in section 269(2) of the Act shall be marked in order that it shall be deemed to be duly served under head (b) of that sub-section shall be by marking clearly and legibly upon the notice or document and upon the envelope containing it, the words “Important—This Communication affects your Property”.

Application of provisions of the Water (Scotland) Act 1946 to steps required by enforcement notice to be taken

6. The provisions of sections 57 and 68 of the Water (Scotland) Act 1946(a) shall apply in relation to steps required to be taken by an enforcement notice under section 84 of the Act or by a notice under section 63 of the Act, subject to the following adaptations and modifications:—

In section 57 for the words “an islands or district council” where they occur there shall be substituted the words “a planning authority”; for the words “under this part of this Act from a person as being the owner of the premises” there shall be substituted the words “under section 88 of the Town and Country Planning (Scotland) Act 1972, from the person who is then the owner of the land” and for the words “those premises” there shall be substituted the words “that land”.

In section 68 for the words “any premises” there shall be substituted the words “any land”; for the words “those premises” there shall be substituted the words “that land”; for the words from “executing any work” to the words “such enactment” there shall be substituted the words “taking any steps which he is required to take by an enforcement notice served under section 84 of the Town and Country Planning (Scotland) Act 1972 or by a notice served under section 63 of the Town and Country Planning (Scotland) Act 1972”; after the word “enter” there shall be inserted the words “on the land” and for the words “executing the work” there shall be substituted the words “taking those steps”.

Advertisement and notice of unopposed order revoking or modifying planning permission

7. The advertisement, for the purposes of section 43(2) of the Act, of an order made under section 42 of the Act shall be in the form set out in Form 1 of Schedule 2 to these regulations or in a form substantially to the like effect; and the notice required to be served by section 43(3) of the Act shall be in the form set out in Form 2 of that Schedule or in a form substantially to the like effect.

Concurrent procedure for acquisition of land and extinguishment of rights of way

8.—(1) Where under section 102 of the Act a compulsory purchase order for the acquisition of any land has been made by a local authority and submitted to the Secretary of State in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a), or where any land has been acquired by a planning authority under section 109 of the Act, the succeeding provisions of this regulation shall apply in relation to the extinguishment of public rights of way over such land and the acquisition of land for the provision of alternative rights of way.

(2) The Secretary of State may on or after any such submission or acquisition publish in accordance with the provisions of section 204(1) of the Act notice of an order proposed to be made under section 203 of the Act, relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Secretary of State may prepare in draft, or a local highway authority may make a compulsory purchase order under section 207(1) of the Act for the acquisition of land for providing an alternative right of way.

(4) Any other proceedings required to be taken in connection with the making of an order under section 203 of the Act may be taken concurrently with the proceedings required to be taken in connection with such order as is mentioned in paragraph (1) of this regulation, and any other proceedings for the making or confirmation of such compulsory purchase order as is referred to in paragraph (3) of this regulation may be taken concurrently with either or both of the said proceedings:

Provided that:—

- (a) no such order under the said section 203 shall be made until the land over which the right of way subsists has been acquired by the local authority; and
- (b) no such compulsory purchase order as is referred to in paragraph (3) of this regulation shall be made by the Secretary of State or confirmed, until the original right of way has been extinguished by an order under the said section 203.

Revocations

9.—(1) The Town and Country Planning (General) (Scotland) Regulations 1970(b) are hereby revoked.

(a) 1947 c. 42.

(b) S.I. 1970/597 (1970 I, p. 1881).

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

25th November 1976.

Regulation 3

SCHEDULE 1

FORM 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

LAND COMPENSATION (SCOTLAND) ACT 1973

COMMUNITY LAND ACT 1975

Blight Notice

To (a)
at (b)
[I] [We]* (c)

in terms of section 182(1) of the Town and Country Planning (Scotland) Act 1972 (hereinafter called "the Act of 1972") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* entitled to the interest set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.

2. [[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within paragraph (d) of section 181(1) of the Act of 1972 [as that paragraph is amended or extended by section (e) of the Land Compensation (Scotland) Act 1973 (hereinafter called "the Act of 1973")].]*

OR

[[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within section 181(1) of the Act of 1972 by virtue of section (e) of the Community Land Act 1975.]*

3. [I] [We]* have made reasonable endeavours to sell [my] [our]* interest and in consequence of the fact that [the] [part of the]* [hereditament] [agricultural unit]* was or was likely to be comprised in land in one of the descriptions set out in section 181(1) of the Act of 1972 (as amended) [I] [we]* have been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the [hereditament] [agricultural unit]* were, or were likely to be, comprised in such land. Particulars of those endeavours are set out [below] [in the letter accompanying this notice]*(f).

4. [My] [Our]* interest qualifies for protection under sections 181 to 196 of the Act of 1972 because (g)

EITHER

[the annual value of the hereditament does not exceed the limit of annual value prescribed by order under section 181(4)(a) of the Act of 1972 and [my] [our]* interest is that of owner-occupier(s) of the hereditament within the meaning of section 192(1) of the Act of 1972.]*

OR

[[my] [our]* interest is that of resident owner-occupier(s) of the hereditament within the meaning of section 192(3) of the Act of 1972.]*

OR

[[my] [our]* interest is that of owner-occupier(s) of the agricultural unit within the meaning of section 192(2) of the Act of 1972.]*

[5. [The] [Part of the] agricultural unit in which [I am] [we are]* entitled to an interest contains land which does not fall within any of the descriptions set out in section 181(1) of the Act of 1972 (as amended) as well as land which does so and that area which is unaffected is not reasonably capable of being farmed either by itself or in conjunction with other relevant land (within the meaning of section 74(2) of the Act of 1973) as a separate agricultural unit.]

6. [[I] [We]* therefore require you to purchase [my] [our]* interest in the [hereditament] [agricultural unit]*.]*

OR

[I] [We]* therefore require you to purchase [my] [our]* interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates]*.]*(i).

Dated.....19

Signed

[On behalf of.....]*

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any heritable creditors and a note of any ground burdens thereon.

SECOND SCHEDULE

Particulars of the [hereditament] [agricultural unit].(j)*

*Delete where inappropriate.

FORM 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
 LAND COMPENSATION (SCOTLAND) ACT 1973
 COMMUNITY LAND ACT 1975

Heritable Creditor's Blight Notice

To (a)
 at (b)
 [I] [We]* (c)

in terms of section 190(1) of the Town and Country Planning (Scotland) Act 1972 (hereinafter called "the Act of 1972") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* entitled as heritable creditor(s) (by virtue of a power which has become exercisable) to sell the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto, giving immediate vacant possession of the land.

2. [[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within paragraph (d) of section 181(1) of the Act of 1972 [as that paragraph is amended or extended by section (e) of the Land Compensation (Scotland) Act 1973 (hereinafter called "the Act of 1973")]*.]*

OR

[[The] [Part of the]* [hereditament] [agricultural unit]* has been included in the land falling within section 181(1) of the Act of 1972 by virtue of section (e) of the Community Land Act 1975.]*

3. [I] [We]* have made reasonable endeavours to sell the said interest and in consequence of the fact that [the] [part of the]* [hereditament] [agricultural unit]* was or was likely to be comprised in land in one of the descriptions set out in section 181(1) of the Act of 1972 (as amended) [I] [we]* have been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the [hereditament] [agricultural unit]* were, or were likely to be, comprised in such land. Particulars of those endeavours are set out [below] [in the letter accompanying this notice]*.(f)

4. [I am] [We are]* entitled to take advantage of the provisions of sections 181 to 196 of the Act of 1972 because (g)

EITHER

[the annual value of the hereditament does not exceed the limit of annual value prescribed by order under section 181(4)(a) of the Act of 1972 and the person entitled (otherwise than as heritable creditor) to the said interest *either* is an owner-occupier of the hereditament within the meaning of section 192(1) of the Act of 1972 *or* was such an owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the hereditament.(h)]*

OR

[the person entitled (otherwise than as heritable creditor) to the said interest *either* is a resident owner-occupier of the hereditament within the meaning of section 192(3) of the Act of 1972 *or* was such a resident owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the hereditament.(h)]*

OR

[the person entitled (otherwise than as heritable creditor) to the said interest *either* is an owner-occupier of the agricultural unit within the meaning of section 192(2) of the Act of 1972 *or* was such an owner-occupier on an earlier date, not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the agricultural unit.(h)]*

[5. [The] [Part of the] agricultural unit in which the said interest is held contains land which does not fall within any of the descriptions set out in section 181(1) of the Act of 1972 (as amended) as well as land which does so and that area which is unaffected is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land (within the meaning of section 74(2) of the Act of 1973), as a separate agricultural unit.]

6. [[I] [We]* therefore require you to purchase the said interest in the [hereditament] [agricultural unit]*.]*

OR

[[I] [We]* therefore require you to purchase the said interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates]*.]*(i)

Dated.....19

Signed

[On behalf of.....]*

FIRST SCHEDULE

Particulars of interest in land together with the names and addresses of any other known heritable creditors and a note of any ground burdens thereon known to the claimant.

SECOND SCHEDULE

Particulars of the [hereditament] [agricultural unit].(j)*

*Delete where inappropriate.

FORM 3

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
LAND COMPENSATION (SCOTLAND) ACT 1973
COMMUNITY LAND ACT 1975

Personal Representative's Blight Notice

To (a)
at (b)
[I] [We]* (c)

in terms of section 73(1) of the Land Compensation (Scotland) Act 1973 (hereinafter called "the Act of 1973") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* the personal representative(s) of a person (hereinafter called "the deceased") who at the date of [his] [her]* death was entitled to the interest set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.

2. [[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within paragraph (d) of section 181(1) of the Town and Country Planning (Scotland) Act 1972 (hereinafter called "the Act of 1972") [as that paragraph is amended or extended by section (e) of the Act of 1973]* and was so included on the date of death of the deceased.]*

OR

[[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within section 181(1) of the Act of 1972 by virtue of section (e) of the Community Land Act 1975 and was so included on the date of death of the deceased.]*

3. Since the date of death of the deceased [I] [we]* have made reasonable endeavours to sell [his] [her]* interest and in consequence of the fact that [the] [part of the]* [hereditament] [agricultural unit]* was or was likely to be comprised in land in one of the descriptions set out in section 181(1) of the Act of 1972 (as amended) [I] [we]* have been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the [hereditament] [agricultural unit]* were, or were likely to be, comprised in such land. Particulars of those endeavours are set out [below] [in the letter accompanying this notice]*.(f)

4. The deceased's interest qualified for protection under sections 181 to 196 of the Act of 1972 because (g)

EITHER

[the annual value of the hereditament does not exceed the limit of annual value prescribed by order under section 181(4)(a) of the Act of 1972 and [his] [her]* interest was that of owner-occupier of the hereditament within the meaning of section 192(1) of the Act of 1972.]*

OR

[[his] [her]* interest was that of resident owner-occupier of the hereditament within the meaning of section 192(3) of the Act of 1972.]*

OR

[[his] [her]* interest was that of owner-occupier of the agricultural unit within the meaning of section 192(2) of the Act of 1972.]*

5. One or more individuals are (to the exclusion of any body corporate) beneficially entitled to the deceased's interest in the [hereditament] [agricultural unit].*

[6. [The] [Part of the] agricultural unit in which the deceased was entitled to an interest contains land which does not fall within any of the descriptions set out in section 181(1) of the Act of 1972 (as amended) as well as land which does so and that area which is unaffected is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land (within the meaning of section 74(2) of the Act of 1973) as a separate agricultural unit.]

7. [[I] [We]* therefore require you to purchase the deceased's interest in the [hereditament] [agricultural unit].*]*

OR

[[I] [We]* therefore require you to purchase the deceased's interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates].*]* (i)

Dated.....19

Signed

[On behalf of.....]*

FIRST SCHEDULE

Particulars of deceased's interest in land, together with the names and addresses of any heritable creditors thereof and a note of any other ground burdens thereon.

SECOND SCHEDULE

Particulars of the [hereditament] [agricultural unit]. (j)*

*Delete where inappropriate.

NOTES TO FORMS 1, 2 AND 3

- (a) Insert name of authority to be served.
- (b) Insert address of authority.
- (c) Insert full name(s) and address(es) of person(s) serving this notice.
- (d) Insert letter of the paragraph of the subsection which is applicable.
- (e) Insert (if appropriate) number of the section (and sub-section) of the Act of 1973 and/or the Community Land Act 1975 which is applicable.
- (f) Particulars of the steps taken to sell the land should be given here or in an accompanying letter, and should include dates, price asked and any offers received.
- (g) The claimant should choose which paragraph is to form part of the notice and delete the others.
- (h) Within the paragraph chosen, underline those words after "either" which are appropriate to the case.
- (i) The second alternative paragraph applies only to agricultural units coming within the description set out in the preceding paragraph of the notice (where appropriate). The claimant should choose which alternative is to form part of the notice and delete the other.
- (j) A plan should be attached to identify the land, if this is necessary.

FORM 4

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
 LAND COMPENSATION (SCOTLAND) ACT 1973
 COMMUNITY LAND ACT 1975

Counter-notice objecting to Blight Notice

To (a)
 THE (b)
 HEREBY GIVE YOU NOTICE under section 183(1) of the Town and Country
 Planning (Scotland) Act 1972 that they OBJECT to the Blight Notice served by you on
 19..... under [section 182(1) of that Act] [section 191(1) of
 that Act] [section 73(1) of the Land Compensation (Scotland) Act 1973]* in respect
 of the [hereditament] [agricultural unit]* described as (c).
 The grounds on which objection is taken are (d)
 Dated.....19
On behalf of the (b)

*Delete where inappropriate.

NOTE: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal for Scotland under the terms of section 184 of the Town and Country Planning (Scotland) Act 1972. In that case you should notify the Registrar, The Lands Tribunal for Scotland, 23 Ainslie Place, Edinburgh EH3 6AJ, within two months of the date of service of this notice.

NOTES TO FORM 4

- (a) Insert name and address of addressee.
- (b) Insert name of authority.
- (c) Insert particulars.
- (d) These must specify the grounds on which the authority object to the notice (being one or more of the grounds specified in section 183(2) of the Town and Country Planning (Scotland) Act 1972 as amended by paragraph 7(3) of Schedule 10 to the Community Land Act 1975 or, where relevant, in section 75 of the Land Compensation (Scotland) Act 1973). Regard should be had to the restrictions imposed by section 183(3) of the Town and Country Planning (Scotland) Act 1972 and (where appropriate) to the restrictions imposed by section 69 of the Land Compensation (Scotland) Act 1973 on the grounds on which objections may be made to a blight notice served by virtue of one of those sections.

SCHEDULE 2

Regulation 7

FORM 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
 ADVERTISEMENT UNDER SECTION 43(2) OF THE MAKING OF A
 REVOCATION ORDER OR MODIFICATION ORDER

Planning permission for (a)
 at (b)

NOTICE IS HEREBY GIVEN that the (c) council
 have made an order under section 42 of the Town and Country Planning (Scotland)
 Act 1972 to [revoke the above planning permission] [to the following extent
 (d)] [modify the above planning permission as
 follows (e)]*.

The council have been notified in writing by the owner, lessee (if any) and the occupier
 of the land [and by all other persons who in the council's opinion will be affected by
 the order]* that they do not object to the order.

Any person who will be affected by the order and who wishes for an opportunity
 of appearing before, and being heard by, a person appointed by the Secretary of State
 must give notice in writing to that effect to the Secretary, Scottish Development
 Department, New St. Andrew's House, Edinburgh EH1 3SZ, not later than
 19 (f).

If no such notice has been given by that date, the order will take effect, by virtue of
 the provisions of section 43 of the Town and Country Planning (Scotland) Act 1972,
 on 19 (g) without being confirmed by the Secretary of State.

Dated.....19..... Signed

On behalf of the.....(c)

FORM 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
 NOTICE UNDER SECTION 43(3) OF THE MAKING OF A
 REVOCATION ORDER OR MODIFICATION ORDER

Planning permission for (a)
 at (b)

TAKE NOTICE that the (c) council
 have made an order under section 42 of the Town and Country Planning (Scotland)
 Act 1972 to [revoke the above planning permission] [to the following extent
 (d)] [modify the above planning permission
 as follows (e)]*.

The council have been notified in writing by the owner, lessee (if any) and the
 occupier of the land [and by all other persons who in the council's opinion will be
 affected by the order]* that they do not object to the order.

If you will be affected by the order and wish for an opportunity of appearing before,
 and being heard by, a person appointed by the Secretary of State you should give
 notice in writing to that effect to the Secretary, Scottish Development Department,
 New St. Andrew's House, Edinburgh EH1 3SZ, not later than 19 (f).

*Delete where inappropriate.

If no such notice has been given by that date, the order will take effect, by virtue of the provisions of section 43 of the Town and Country Planning (Scotland) Act 1972, on 19 (g) without being confirmed by the Secretary of State.

Dated.....19..... Signed

On behalf of the.....(c)

NOTES TO FORMS 1 AND 2

- (a) Insert description of the development for which permission has been granted.
- (b) Insert site or locality of development.
- (c) Insert name of council.
- (d) Insert particulars of extent of revocation.
- (e) Insert particulars of modification.
- (f) Insert a date not less than 28 days later than the date on which the relevant advertisement first appears.
- (g) Insert a date not less than 14 days later than the date to which note (f) relates.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations re-enact the Town and Country Planning (General) (Scotland) Regulations 1970, with amendments which take into account the provisions of the Land Compensation (Scotland) Act 1973 and the Community Land Act 1975. (c. 77). The principal changes are:—

- (a) Amendments taking account of changes made by the Community Land Act 1975 are made to the forms of blight notice and counter-notice prescribed for the purposes of sections 182 and 183 of the Town and Country Planning (Scotland) Act 1972; and
- (b) A new form, called a personal representative's blight notice, is prescribed under section 73 of the Land Compensation (Scotland) Act 1973.

Some minor drafting amendments have also been made.

SI 1976/2022
ISBN 0-11-062022-4

