



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART IV

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

27 Extension of ss. 25 and 26 to special cases.

- (1) Where an interest in land is proposed to be acquired [^{F1}by an authority possessing compulsory purchase powers] and, by reason that the person entitled to the interest is absent from the United Kingdom or cannot be found, the compensation payable in respect of the interest falls to be determined by the valuation of a valuator under section 56 of the ^{M1}Land Clauses Consolidation (Scotland) Act 1845, the valuator, before carrying out his valuation, may apply to the local planning authority for a certificate under section 25 of this Act; and the provisions of that section and of section 26 of this Act shall apply in relation to an application made by virtue of this subsection as they apply in relation to an application made by virtue of the said section 25 (1).
- (2) Where, in pursuance of an application made by virtue of subsection (1) of this section, the local planning authority issue a certificate to the valuator, the authority shall serve copies of the certificate on both the parties directly concerned.
- (3) Where an interest in land is proposed to be acquired in the circumstances mentioned in the said section 25 (1), ^{F2}... an application to the local planning authority for a certificate under that section may be made by any person entitled to any ^{F2}... annual or recurring payment or incumbrance out of the land ^{F2}... in the like circumstances and in the like manner as such an application may be made by the person entitled to the interest.
- (4) Where, in pursuance of an application made by virtue of the last preceding subsection, the local planning authority issue a certificate to the applicant, the authority shall serve copies of the certificate on both the parties directly concerned.
- (5) An application for a certificate made by virtue of subsection (1) or subsection (3) of this section shall specify the matters referred to in [^{F3}subsection (3) (a) and (b) of

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section 25] of this Act, and shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on each of the parties directly concerned; and, in relation to such an application, subsection (4) of that section shall have effect with the substitution, for the reference to the date specified in the statement mentioned in [^{F3}subsection (3) (c)] of that section of a reference to the date specified in accordance with this subsection, or, where more than one date is so specified, the later of those dates.

- (6) Where a certificate has been issued in pursuance of an application made by virtue of subsection (3) of this section, or in a case where an application for a certificate could have been made thereunder, the provisions of section 26 of this Act shall apply as if any reference to the person entitled to the interest in question, or to the parties directly concerned, included a reference to the person who made or could have made that application as the case may be.

Textual Amendments

- F1** Words in s. 27(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 79, [Sch. 17 Pt. 1](#), para.9, (with s. 84(5)); S.I. 1991/2092, [art.3](#) (with art. 4, Sch. 2 Pt. II)
- F2** Words in s. 27(3) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 25(4), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Words substituted by [Community Land Act 1975 \(c. 77\)](#), [Sch. 10 para. 5\(3\)\(5\)](#); continued by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 33 para. 7\(1\)\(4\)\(5\)](#) in relation to applications, or certificates issued in pursuance of applications, made after 12.12.1975

Marginal Citations

- M1** 1845 c. 19.

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