



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART VI

MISCELLANEOUS AND GENERAL

39 Withdrawal of notices to treat.

- (1) Where a claimant has delivered such a notice as is mentioned in section 5 (1)(b) or section 11 (1) (b) of this Act, the acquiring authority may, at any time within six weeks after the delivery thereof, withdraw any notice to treat which has been served on him or on any other person interested in the land authorised to be acquired.
- (2) Where a claimant has failed to deliver a notice as required by the said section 5 (1) (b) or the said section 11 (1) (b), the acquiring authority may, at any time after the decision of the official arbiter on his claim but not later than six weeks after the claim has been finally determined, withdraw any notice to treat which has been served on him or on any other person interested in the land authorised to be acquired, unless the authority have entered into possession of the land by virtue of the notice.
- (3) Where the acquiring authority withdraw a notice to treat under this section the authority shall be liable to pay compensation to the person to whom it was given for any loss or expenses occasioned to him by the giving and withdrawal of the notice, but, if the notice is withdrawn under subsection (2) of this section, not for any loss or expenses incurred by the claimant mentioned therein after the time when, in the opinion of the official arbiter, a proper notice of claim should have been delivered by him.
- (4) The amount of any compensation payable under subsection (3) of this section shall, in default of agreement, be determined by the official arbiter.
- (5) So long as the acquiring authority are entitled to withdraw a notice to treat under subsection (2) of this section, the authority shall not be compellable to take the land to which the notice relates or to pay any compensation awarded in respect of the taking.
- (6) For the purposes of this section, a claim shall not be deemed to be finally determined so long as the time for requiring the official arbiter to state a case with respect thereto,

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 39. (See end of Document for details)

or for appealing from any decision on the points raised by a case so stated, has not expired.

Modifications etc. (not altering text)

- C1** S. 39 excluded by Forestry Act 1967 (c. 10), s. 22(5), Agriculture Act 1967 (c. 22), s. 49(7)(ii), Town and Country Planning (Scotland) Act 1972 (c. 52), ss. 197, 278, Sch. 24 Pt. II para. 18, Land Compensation (Scotland) Act 1973 (c. 56), s. 50(4) and Offshore Petroleum Development (Scotland) Act 1975 (c. 8), s. 1, Sch. 2 para. 3(2)
S. 39 excluded (5.1.1994) by 1993 c. 44, ss. 57(2), 64(2) (with s. 30(5), Sch. 6 para. 4)
- C2** S. 39 restricted (27.5.1997) by 1997 c. 8, ss. 90(6), 278(2)
S. 39 restricted (27.5.1997) by 1997 c. 8, ss. 94(8), 278(2)
S. 39 restricted (27.5.1997) by 1997 c. 8, ss. 97(6), 278(2)
S. 39 restricted (27.5.1997) by 1997 c. 8, ss. 118, 278(2)
S. 39 restricted (27.5.1997) by 1997 c. 8, ss. 195, 278(2), Sch. 15 Pt. II, para. 18

Changes to legislation:

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 39.