



# Land Compensation (Scotland) Act 1973

## 1973 CHAPTER 56

### PART IV

#### COMPULSORY PURCHASE

##### *Miscellaneous*

#### **57 Notice to quit part of agricultural holding: right to claim notice of entry compensation for remainder of holding.**

- (1) Where a notice to quit in respect of which a person is entitled to make an election under section 55 above relates to part only of an agricultural holding and that person makes such an election within the period of two months beginning with the date of service of that notice, or, if later, the decision of the Scottish Land Court, he may also within that period serve a notice on the acquiring authority claiming that the remainder of the holding is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit.
- (2) If the acquiring authority do not within the period of two months beginning with the date of service of a notice under subsection (1) above agree in writing to accept the notice as valid, the claimant or the authority may, within two months after the end of that period, refer it to the Lands Tribunal, and on any such reference the Tribunal shall determine whether the claim in the notice is justified and declare the notice valid or invalid in accordance with its determination of that question.
- (3) Where a notice under subsection (1) above is accepted as, or declared to be, valid under subsection (2) above then, if before the end of twelve months after it has been so accepted or declared the claimant has given up to the acquiring authority possession of the part of the holding to which the notice relates, section 114 of the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845 and section 12 of the <sup>M2</sup>Agriculture (Miscellaneous Provisions) Act 1968 shall have effect as if the acquiring authority had taken possession of that part in pursuance of a notice of entry under paragraph 3 of Schedule 2 to the <sup>M3</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act

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**Changes to legislation:** There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 57. (See end of Document for details)

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1947 on the day before the expiration of the year of the tenancy which is current when the notice is so accepted or declared.

- (4) Subsections (2) to (4) of section 51 and subsection (3) of section 52 above shall apply in relation to subsections (1) to (3) above and to a notice under subsection (1) above as they apply in relation to those sections and a counter-notice under subsection (1) of section 51, and shall so apply with the necessary modifications and as if any reference to the notice of entry were a reference to the notice to quit.
- (5) Where an election under section 55 above ceases to have effect in relation to any land by virtue of subsection (3) of that section any notice served by virtue of this section shall also cease to have effect in relation thereto.

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**Marginal Citations**

**M1** 1845 c. 19.

**M2** 1968 c. 34.

**M3** 1947 c. 42.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 57.