



# Land Compensation (Scotland) Act 1973

## 1973 CHAPTER 56

### PART IV

#### COMPULSORY PURCHASE

##### *Miscellaneous*

#### **58 Requirement to surrender part of croft, etc.: right to claim notice of entry compensation for remainder.**

- (1) Where an order of the Scottish Land Court in respect of which a person is entitled to make an election under section 56 above relates to part only of a croft or holding and that person makes such an election within the period of two months beginning with the date of the making of the order, he may also within that period serve a notice on the acquiring authority claiming that the remainder of the croft or 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 croft or holding to which the notice relates, section 114 of the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845 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>M2</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 on the day before the expiration of the year of the tenancy which is current when the notice is so accepted or declared.

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*Status: Point in time view as at 27/05/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 58. (See end of Document for details)*

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- (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 in section 51(3)(b) for the words “service of the notice of entry” and in section 52(3) for the words “the notice of entry” there were substituted the words “the order of the Scottish Land Court”.
- (5) Where an election under section 56 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 cease to have effect in relation thereto.
- (6) Subsection (3) above shall apply in the case of the holding of a statutory small tenant as if after the word “1845” there were inserted the words “and section 12 of the <sup>M3</sup>Agriculture (Miscellaneous Provisions) Act 1968”.

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**Marginal Citations**

**M1** 1845 c. 19.

**M2** 1947 c. 42.

**M3** 1968 c. 34.

**Status:**

Point in time view as at 27/05/1997.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 58.