
 STATUTORY INSTRUMENTS

1975 No. 1287 (S. 191)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Land Compensation (Scotland) Development Order 1975

Made - - - 30th July 1975
Laid before Parliament 13th August 1975
Coming into Operation 8th September 1975

In exercise of the powers conferred on me by sections 21 and 273 of the Town and Country Planning (Scotland) Act 1972(a) and section 28 of the Land Compensation (Scotland) Act 1963(b) and of all other powers enabling me in that behalf I hereby order as follows:—

Citation and Commencement

1. This order may be cited as the Land Compensation (Scotland) Development Order 1975 and shall come into operation on 8th September 1975.

Interpretation

2.—(1) In this order—

“the Act of 1963” means the Land Compensation (Scotland) Act 1963;

“the parties directly concerned” has the meaning assigned to that expression by section 30(1) of the Act of 1963; and

“planning authority”, unless otherwise stated, means general or district planning authority.

(2) A section referred to by number in this order means the section so numbered in the Act of 1963.

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

Application for and Issue of Certificates

3.—(1) An application to a planning authority for a certificate under section 25 of the Act of 1963 shall be in writing and shall (as well as complying with the requirements of section 25(3)) include a plan or map sufficient to identify the land to which the application relates.

(2) The time within which a certificate is to be issued by a planning authority shall, subject to the provisions of section 25(4), be two months from the date of receipt of such application by them.

(3) If a planning authority issue a certificate otherwise than for the class or classes of development specified in the application made to them, or contrary to representations in writing made to them by a party directly concerned, they shall in that certificate include a statement in writing of their reasons for

(a) 1972 c. 52.

(b) 1963 c. 51.

(c) 1889 c. 63.

so doing and shall give particulars of the manner in which and the time within which an appeal may be made to the Secretary of State under section 26 and this order.

(4) A district planning authority shall send a copy of every certificate issued by them to the regional planning authority within the area of which is situated the land to which the certificate relates.

Appeals

4.—(1) The time for giving notice of an appeal under section 26 shall be within one month of:—

- (a) the date of receipt of the certificate, or
- (b) the expiry of the time or extended period mentioned in subsection (4) of that section,

as the case may be.

(2) Notice of appeal shall be given in writing to the Secretary of State and a copy of such notice shall be sent by the appellant to the other of the parties directly concerned, to the regional planning authority within the area of which is situated the land to which the certificate relates, and to the planning authority who issued the certificate under section 25 or, where no certificate has been issued, to the planning authority to whom the application was made.

(3) The appellant shall within one month of giving notice of appeal, or such longer period as the Secretary of State may in any particular case allow, furnish to the Secretary of State one copy of the application to the planning authority, and of the certificate (if any) issued by the planning authority together with a statement of the grounds of appeal.

(4) If an appellant does not within the time limited under the last preceding paragraph furnish to the Secretary of State the copies of the documents thereby required, the appeal shall be treated as withdrawn.

Information as to Certificates, etc.

5. Where a written request is made to a planning authority by any person appearing to them to have an interest in the land which is the subject of a certificate under section 25 for—

- (a) the name and address of the applicant for the certificate and the date of the application, and
- (b) a copy of the certificate,

the planning authority shall furnish such person with such information and a copy of the certificate, if any.

Publication of General Requirements

6. If a planning authority, on issuing a certificate, specify conditions by reference to general requirements formulated by them under section 25(6) that authority shall supply with such certificate and every copy thereof a copy of such requirements (or of so much thereof as is relevant to the certificate) unless, before the certificate is issued, the requirements in question have been made available to the public by depositing them for public inspection at all reasonable hours at the office of the district or general planning authority and, as the case may be, the regional planning authority.

Transitional Provisions

7. Any application for, any appeal against, or any request for information as to a certificate under section 25 which is outstanding at the coming into operation of this order shall have effect as if made and shall be dealt with under and in accordance with the provisions of this order.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

30th July 1975.

EXPLANATORY NOTE

(This note is not part of the order.)

This order prescribes the procedure for obtaining and for appealing against the terms of a certificate of appropriate alternative development under section 25 of the Land Compensation (Scotland) Act 1963; for obtaining copies of such certificates; and for securing that copies of any conditions specified by reference to general requirements formulated under that section shall be supplied with a certificate where the requirements have not been made generally public.

The provisions in this order were previously enacted as part of the Town and Country Planning (General Development) (Scotland) Order 1959 S.I. 1959 No. 1361 which was revoked by the Town and Country Planning (General Development) (Scotland) Order 1975 S.I. 1975 No. 679. This order takes account of the changes in legislation since 1959 and in particular the new structure of planning authorities arising from the reorganisation of local government in Scotland. The only change in procedure is that district planning authorities are required to send a copy of every certificate to the regional authority in whose area is situated the land to which the certificate relates.

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