1954 No. 1678 (S. 185)

The Central Land Board Payments (Scotland) Regulations, 1954

Made - - - -	15*th December*, 1954
Laid before Parliament	21*st December*, 1954
Coming into Operation	1*st January*, 1955

In exercise of the powers conferred on me by sections 13 and 68 of the Town and Country Planning (Scotland) Act, 1954(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Central Land Board Payments (Scotland) Regulations, 1954, and shall come into operation on the first day of January, 1955.

Interpretation

2.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires:—

"the Act" means the Town and Country Planning (Scotland) Act, 1954;

"the Board" means the Central Land Board;

"Lands Tribunal" means the Lands Tribunal for Scotland:

Provided that until Sections 1 to 3 of the Lands Tribunal Act, 1949(c), come into force as regards Scotland, for any reference in these regulations to the Lands Tribunal there shall be substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919(d), and sections 3, 5 and 6 of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under these regulations by an arbiter so appointed.

Applications and Particulars

3. An application for a payment under Part I of the Act shall be made on a form to be issued by the Board, and shall be sent to the Board on or before the thirtieth day of April 1955:

Provided that the Board may in any particular case (either before, on or after the date on which the time for applying would otherwise have expired), allow an extended, or further extended, period for the making of an application.

4.—(1) The Board may require (in the said form or otherwise) particulars to be given in relation to all or any of the following matters:—

(i) the identity of the applicant and the capacity in which he is acting;

(ii) the established claim by reference to which the application is made; and any assignations (including assignations in security) of such claim or part thereof;

(iii) any interest of the applicant in the claim area, or part of the claim area of the established claim and the land in which such interest subsists, or subsisted;

(a) 2 & 3 Eliz. 2. c. 73.
(b) 52 & 53 Vict. c. 63.
(c) 12, 13 & 14 Geo. 6. c. 42.
(d) 9 & 10 Geo. 5. c. 57.

(iv) any interests of persons (including secured creditors) other than the applicant in any land in the claim area, so far as information is available to the applicant;

(v) any sale, feu, lease or other transmission of land (hereinafter referred to as "sale") in the claim area and the consideration therefor, or any payment of compensation in respect of the compulsory acquisition of any such land, where such sale or payment is material to the application;

(vi) the grounds on which the application is made;

(vii) any other matter which in the opinion of the Board is relevant to their determination of the application;

and such particulars may include plans for the identification of any land.

(2) Where the Board by a direction in writing require the applicant to provide further particulars in connection with his application, the applicant shall furnish to the Board such particulars within such period (not being less than 30 days) as the Board may specify in the direction.

(3) The Board may by a direction in writing require any particulars supplied by the applicant pursuant to this regulation to be verified by such evidence (including a statutory declaration) as may be specified by the Board in any particular case and the applicant, where so required, shall furnish such evidence to the Board within such period (not being less than 30 days) as the Board may specify in the direction.

Determination of Payment

5.—(1) The Board shall consider any particulars supplied pursuant to the last preceding regulation and cause such investigations to be made and such steps to be taken as they may deem requisite for a proper determination of the application, and shall thereafter determine the amount of the payment to be made under Part I of the Act:

Provided that where the applicant has failed to furnish any particulars or evidence required by the Board under the last preceding regulation the Board may defer the determination of the application until after such particulars and evidence have been duly furnished, or if they at any time think fit may determine the application notwithstanding such failure, and in so doing may disregard any particulars already supplied by the applicant to which such requirement had reference.

(2) The Board shall, on determining the application, give notice to the applicant of their determination as to the amount of the payment to be made under Part I of the Act and such determination shall show the material amounts (including apportionments and deductions) to which the Board have had regard in determining the application, and the provisions of the Act under which such amounts fall to be ascertained or taken into account.

(3) The Board shall also, on issuing their determination in a case where that determination includes an apportionment, give a notice containing particulars of such apportionment to any person entitled to an interest in land which it appears to the Board will be substantially affected by the apportionment.

Arbitration

6.—(1) Subject to the provisions of paragraph (2) of this regulation, if the applicant wishes to dispute the Board's determination, or if any other person, to whom particulars of an apportionment have been given or who claims that he is entitled to an interest in land which is substantially affected by an apportionment, wishes to dispute that apportionment, he may within 30 days of the issue of the Board's determination

(*a*) give notice in writing to the Board that he disputes the determination or the apportionment, as the case may be, specifying the grounds of the dispute and the amount or amounts which he desires to be specified in lieu of the amount determined or apportioned as the case may be; and

(*b*) refer the dispute to the Lands Tribunal;

and on notice of such reference being received the Board shall notify all other persons to whom notices were given under the last preceding regulation.

(2) Where after receipt of a notice under the last preceding regulation any person signifies in writing to the Board his agreement to the determination, or, as the case may be, to an apportionment, he shall not thereafter be entitled to give the notice referred to in the last preceding paragraph.

(3) The applicant and, so far as the dispute relates to an apportionment, any other person to whom particulars of that apportionment have been given or who establishes that he is entitled to an interest in land which is substantially affected by that apportionment, shall on compliance with the rules of the Lands Tribunal for the time being in force, be afforded an opportunity to be heard in any dispute before the Lands Tribunal under this regulation.

(4) The Lands Tribunal shall by their decision either confirm or vary the Board's determination, or, as the case may be, the apportionment, and shall notify the parties of their decision.

7.—(1) If at any time after notice of a dispute has been given under the last preceding regulation the Board, and the applicant and, so far as the reference relates to an apportionment, all other persons to whom particulars of that apportionment have been given or who are parties to the reference, shall in writing agree the amount and distribution of the payment to be made under Part I of the Act, or, as the case may be, particulars of the apportionment, then on withdrawal of the reference the Board may revise their determination in accordance with such agreement, and shall give notice of such revised determination in the manner prescribed by paragraphs (2) and (3) of regulation 5 of these regulations.

(2) Where no notice of a dispute in respect of any determination of the Board is given under the last preceding regulation within the time limited in that behalf, or where all references relating to such determination are withdrawn, then, the determination or, in a case falling within paragraph (1) of this regulation the revised determination, of the Board shall be treated as conclusive for the purposes of section 14 of the Act.

Dated this 15th day of December, 1954.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(*This Note is not part of these Regulations, but is intended to indicate their general purport.*)

Part 1 of the Town and Country Planning (Scotland) Act, 1954, provides for the making of payments by the Central Land Board in respect of past compulsory acquisitions and other past acts or events, by reference to the

claims established against the £300 million fund under Part V of the Town and Country Planning (Scotland) Act, 1947. These Regulations prescribe the manner in which applications are to be made for such payments, the period within which applications are to be made and the particulars and evidence to be submitted in support of such applications. The Regulations provide for the issue of determinations by the Board on such applications and for rights of appeal to the Lands Tribunal for Scotland (or, until the Tribunal is set up, an arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919) by the applicant and other persons affected and enables such persons to be heard by the Tribunal (or arbiter) on appeal.

1954 No. 1679 (S. 186)

The Town and Country Planning (Compensation) (Scotland) Regulations, 1954

Made - - - -	15*th December*, 1954
Laid before Parliament	21*st December*, 1954
Coming into Operation	1*st January*, 1955

In exercise of the powers conferred on me by sections 22, 27, 42, 47 and 68 of the Town and Country Planning (Scotland) Act, 1954(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Compensation) (Scotland) Regulations, 1954, and shall come into operation on the first day of January, 1955.

Interpretation

2.—(1) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—

" the Act " means the Town and Country Planning (Scotland) Act, 1954;

" the Act of 1947 " means the Town and Country Planning (Scotland) Act, 1947(**c**);

" the claimant " means the person by whom or on whose behalf a claim for compensation is made under Part II or Part V of the Act; and

" Lands Tribunal " means the Lands Tribunal for Scotland:

Provided that until sections 1 to 3 of the Lands Tribunal Act, 1949(**d**), come into force as regards Scotland, for any reference in these regulations to the Lands Tribunal there shall be substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919(**e**), and sections 3, 5 and 6 of that Act shall apply, subject

[(**a**) 2 & 3 Eliz. 2. c. 73. (**b**) 52 & 53 Vict. c. 63. (**c**) 10 & 11 Geo. 6. c. 53.
(**d**) 12, 13 & 14 Geo. 6. c. 42. (**e**) 9 & 10 Geo. 5. c. 57.