TOWN AND COUNTRY PLANNING, SCOTLAND

[*See* also Class 5 of the Classified List of Local Instruments printed at the end of this volume.]

1. *Claims for Depreciation of Land Values.*
2. *Control of Advertisements*, p. 4057.
3. *Development of Land*, p. 4060.
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1. CLAIMS FOR DEPRECIATION OF LAND VALUES

(1) *General.* | (2) *Mineral Undertakings*, p. 4056.

(1) GENERAL

The Claims for Depreciation of Land Values (Scotland) Amendment Regulations, 1949

1949 No. 1193 (S. 76)

Made - - - -	22*nd June*, 1949
Laid before Parliament	27*th June*, 1949
Coming into Operation	30*th June*, 1949

In exercise of the powers conferred on me by sections 57 and 107 of the Town and Country Planning (Scotland) Act, 1947(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

1. These regulations may be cited as the Claims for Depreciation of Land Values (Scotland) Amendment Regulations, 1949 and shall come into operation on the 30th day of June, 1949.

2. These regulations shall be read as one with the Claims for Depreciation of Land Values (Scotland) Regulations, 1948(b) (hereinafter referred to as "the principal regulations") and the Claims for Depreciation of Land Values (Scotland) Amendment Regulations, 1948(c), and the principal regulations, the Claims for Depreciation of Land Values (Scotland) Amendment Regulations, 1948 and these regulations may be cited together as the Claims for Depreciation of Land Values (Scotland) Regulations, 1948 and 1949.

3. The Interpretation Act, 1889(d) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

4. In the principal regulations, in Regulation 13—

(*a*) in paragraph (2) after the word "application" where that word first occurs there shall be inserted the words "in duplicate";

(*b*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) The decision of the arbiter upon any question of fact shall be final and binding on the parties to the dispute but the arbiter may, and shall if either the claimant or the Board make an application to him in that behalf, state, at any stage of the proceedings,

(a) 10 & 11 Geo. 6. c. 53.
(b) S.I. 1948 (No. 907) I, p. 4247.
(c) S.I. 1948 (No. 2825) I, p. 4255.
(d) 52 & 53 Vict. c. 63.

a case on any question of law arising in the course of the proceedings for submission to the judges of the Court of Session named for the purpose of hearing appeals under the Valuation of Lands (Scotland) Acts for their opinion thereon; and such a case shall be stated in accordance with the provisions *mutatis mutandis* of the Valuation of Lands (Scotland) Amendment Act, 1879(a), so however that the case when so stated and signed shall be transmitted to the Deputy Principal Clerk of Session; and the case shall thereafter be dealt with in accordance with the practice affecting appeals to the Lands Valuation Appeal Court. It shall be the duty of the arbiter to give effect in his award to the opinion of the said judges obtained in any such appeal."

(c) for paragraphs (5) (6) and (7) there shall be substituted the following paragraphs—

"(5) If by his award the arbiter confirms the development value as determined by the Board such development value shall, as from the date of the award, be treated as conclusive for the purposes of a section 55 scheme.

(6) If by his award the arbiter so directs, the Board shall alter the development value so as to give effect to such direction and shall give notice in writing to the claimant of the development value as so altered, and thereupon the development value as so altered shall be treated as conclusive for the purposes of a section 55 scheme.

(7) If at any time after the claimant shall have given notice of dispute under paragraph (1) of this regulation and before the arbiter has made his award, the Board and the claimant shall in writing agree such development value, then the Board shall determine the development value in accordance with such agreement and the same shall as from the date of such determination be treated as conclusive for the purposes of a section 55 scheme."

Dated this 22nd day of June, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These regulations provide that where a dispute between the claimant for a payment under Part V of the Town and Country Planning (Scotland) Act, 1947 and the Central Land Board as to the amount of the development value of the land in respect of which the claim has been made has been referred to an arbiter, any appeal by way of stated case shall be in accordance with the practice affecting appeals to the Lands Valuation Appeal Court and not, as is provided in the Claims for Depreciation of Land Values (Scotland) Regulations, 1948, to the Court of Session.

(a) 42 & 43 Vict. c. 42.