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.

to any necessary modifications, in relation to the determination of any question under these regulations by an arbiter so appointed.

PART II

COMPENSATION UNDER PART II OR PART V OF THE ACT

Form and delivery of claim

3. A claim to the Secretary of State for compensation under Part II or under Part V of the Act shall be made in duplicate on a form to be issued by him and such form may require such particulars to be given regarding the matters specified in the Schedule to these regulations as may be appropriate for the purposes of the claim.

Supporting material

4. If required by the Secretary of State by a direction in writing:

(*a*) to provide evidence (which may include a statutory declaration) in connection with any particulars required to be given on the form to be issued under Regulation 3 of these regulations;

(*b*) to provide further information as to his interest in the land to which the claim relates; or,

(*c*) to provide further information as to the interests of any other persons in the land to which the claim for compensation relates,

the claimant shall furnish to the Secretary of State such evidence or information as is available to him within such period (not being less than 30 days) as the Secretary of State may specify in the direction.

Action by local planning authority

5.—(1) In such cases as he may consider it to be necessary the Secretary of State shall transmit a copy of the claim to the local planning authority who shall, as soon as may be, thereafter furnish to the Secretary of State—

(*a*) where the claim relates to a planning decision of the authority, a copy of the application for planning permission to which the decision relates together with any plans which accompanied the application;

(*b*) a statement as to the provisions of the development plan so far as material to the application, as to any other planning permission granted for the development of the land, and as to any more favourable decision or permission for alternative development which could in their opinion be given pursuant to section 23 or 47 of the Act, as the case may be.

(2) The Secretary of State may require the local planning authority to furnish him with such other information as he may require for the exercise of his powers under either of the sections of the Act referred to in the immediately preceding paragraph.

Determination of compensation

6.—(1) Unless the claim is withdrawn, and subject to any modification made or having effect under section 24 of the Act, the Secretary of State shall cause such investigations to be made and such steps to be taken as he may deem requisite to enable him to determine the claim.

(2) The Secretary of State shall as soon as practicable thereafter determine the amount of compensation to be paid under Part II or Part V, as the case may be, of the Act in respect of the said claim, and (except in a case where he determines that no compensation shall be paid in respect of the said claim, in which case the determination shall state the reason therefor) the determination shall state the depreciation in value of the claimant's interest and the amounts of the unexpended balances of established development value, or, as the case may be, the amounts of the claim holdings, by reference to which the Secretary of State determines the amount of the compensation to be paid in respect of the said claim.

(3) Where the claimant has failed to furnish any particulars or evidence required by the Secretary of State under regulation 4 of these regulations, the Secretary of State may defer the determination of the claim until after such particulars and evidence have been duly furnished, or, if he at any time thinks fit may determine the claim notwithstanding such failure, and in doing so may disregard any particulars already supplied by the claimant to which such requirement had reference.

(4) The Secretary of State shall give notice of his determination to the claimant, and in the case of a claim under Part II of the Act, to every other person (if any) who has made and has not withdrawn a claim for compensation in respect of the same planning decision, and, in a case where the determination includes an apportionment, the Secretary of State shall give particulars of such apportionment to any other person entitled to an interest in land which it appears to the Secretary of State is substantially affected by the apportionment.

Arbitration

7.—(1) Subject to the provisions of paragraph (2) of this regulation, if the claimant or any other person to whom notice of the Secretary of State's determination has been given, wishes to dispute the determination, or any other person, to whom particulars of an apportionment included in the determination or who claims that he is entitled to an interest in land which is substantially affected by such an apportionment wishes to dispute the apportionment, he may, within 30 days of the issue of the Secretary of State's determination, (*a*) refer the dispute to the Lands Tribunal, and (*b*) give notice in writing to the Secretary of State that he has done so, and on receipt of the said notice by the Secretary of State he 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 Secretary of State his agreement to the determination, or, as the case may be, to the apportionment, he shall not thereafter be entitled to give the notice referred to in the last preceding paragraph.

(3) The claimant and any other person to whom notice of the determination has been given, 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 Secretary of State's determination, or, as the case may be, the apportionment, and shall notify the parties of their decision.

8.—(1) If at any time after notice of a dispute has been given under the last preceding regulation the Secretary of State, the claimant and every other person to whom notice of the determination has been given 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 compensation to be paid under Part II or Part V of the Act, or, as the case may be particulars of the apportionment, then, on withdrawal of the reference, the Secretary of State may revise the determination in accordance with such agreement, and shall give notice of such revised determination in the manner prescribed by paragraph 4 of Regulation 6 of these regulations.

(2) Where no notice of a dispute in respect of any determination of the Secretary of State is given under the last preceding regulation within the time limited in that behalf, or where all references relating to such determinations are withdrawn, then, the determination or, in a case falling within paragraph 1 of this regulation the revised determination, shall be treated as conclusive for the purposes of section 27 or section 48 of the Act, as the case may be.

PART III

CONTRIBUTIONS UNDER PART IV OF THE ACT TOWARDS COMPENSATION PAYABLE BY LOCAL PLANNING AUTHORITIES UNDER SECTION 20 OF THE ACT OF 1947

Proposal for contribution

9.—(1) Where the Secretary of State proposes to pay a contribution under section 42 of the Act, he shall prepare a statement of the amount of the contribution.

(2) The Secretary of State shall send a copy of the said statement to any person appearing to him to have an interest in land to which the proposal relates or an interest which is substantially affected by an apportionment included in the proposal.

(3) The Secretary of State shall also send a copy of the said statement to every other person who appears to him to be substantially affected by the reduction, or extinguishment, as the case may be, of the unexpended balance of established development value of that land.

(4) Any person to whom a copy of the said statement has been sent may within 30 days thereafter give notice in writing to the Secretary of State that he objects to the proposal and shall specify whether his objection is made on the grounds:—

(*a*) that compensation would not have been payable under Part II or Part V of the Act, as the case may be; or

(*b*) that the amount of the compensation would have been less than the amount of the proposed contribution;

and the Secretary of State shall consider such objection.

(5) As soon as may be after giving effect to the preceding provisions of this regulation, the Secretary of State shall determine the amount of the contribution (if any) to be made, and shall serve notice in writing upon every person to whom a copy of the said statement was sent.

Arbitration

10.—(1) If any person who objected to the Secretary of State's proposal and did not withdraw his objection wishes to dispute the determination of the Secretary of State under the last preceding regulation, he may within 30 days of the Secretary of State's determination—

(*a*) refer the dispute to the Lands Tribunal specifying whether he objects on the grounds:—

(i) that compensation would not have been payable under Part II or Part V of the Act, as the case may be;

(ii) that the amount of the compensation would have been less than the amount of the contribution proposed; and

(*b*) give notice in writing to the Secretary of State that he has done so;

and on receipt of the said notice by the Secretary of State he shall notify all other persons to whom notices were given under the last preceding regulation.

(2) All persons to whom notices of any determination have been given shall be entitled to be heard in any dispute before the Lands Tribunal under paragraph (1) of this regulation.

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

Application of provisions of Part II of the Act

11.—(1) The provisions of subsection (3) of section 18 of the Act as to the reduction or extinguishment of the unexpended balance of established development value shall apply in a case where a contribution is paid under section 42 of the Act as they apply where compensation under Part II of the Act becomes payable in respect of the depreciation of the value of an interest in land by a planning decision.

(2) Where an amount becomes recoverable under subsection (8) of section 30 as applied by section 43 of the Act, subsection (10) of the said section 30 shall apply as if:

(*a*) the reference to compensation specified in a compensation notice were a reference to compensation for depreciation specified in the notice under section 41;

(*b*) the reference to subsection (4) of section 30 were a reference to subsection (4) of that section as applied by section 43; and

(*c*) the reference to the compensation attributable to the land were a reference to the Secretary of State's contribution attributable to the land.

SCHEDULE

1. Name and address of Claimant and capacity in which claim is made.

2. Name and address of Agent (if any).

3. Planning Decision or Order giving rise to claim.

4. Location and extent of the land in respect of which claim is made by reference to plan.

5. Nature of Interests in the land in respect of which claim is made.
6. Particulars of related established claim under Part V of the Act of 1947.
7. Particulars of any development of the land.
8. Amount of depreciation and of compensation claimed.

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 the regulations but is intended to indicate their general purport.)

Parts II and V of the Town and Country Planning (Scotland) Act, 1954, provide for the payment of compensation by the Secretary of State by reference to claims established against the £300 million fund under Part V of the Town and Country Planning (Scotland) Act, 1947, in respect of decisions refusing planning permission or granting it conditionally, and in respect of orders made before the 1st January, 1955 (the date of commencement of the 1954 Act) revoking or modifying planning permissions. These regulations prescribe the manner in which claims are to be made for compensation and the particulars and evidence to be supplied in respect of such claims.

The regulations provide for the issue of determinations by the Secretary of State on such claims and for rights of appeal to the Lands Tribunal for Scotland (or until the Tribunal is set up to an arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919) by the claimant and other persons affected, and enable such persons to be heard by the Tribunal, or arbiter, on an appeal.

Part IV of the Town and Country Planning (Scotland) Act, 1954, provides for the payment by the Secretary of State of contributions, by reference to claims established against the £300 million fund under Part V of the Town and Country Planning (Scotland) Act, 1947, towards compensation payable by local planning authorities in respect of orders revoking or modifying planning permissions made on or after the 1st January, 1955.

Part III of these regulations provides for the consideration of objections to the Secretary of State's proposals for contributions before he issues his determination and for rights of appeal to the Lands Tribunal, or arbiter, by persons affected by the determination, and enables such persons to be heard by the Tribunal, or arbiter, on appeal.