TOWN AND COUNTRY PLANNING, SCOTLAND

CENTRAL AND LOCAL ADMINISTRATION

1959 No. 530

The Central Land Board (Dissolution and Transfer of Functions) Order, 1959

For the text of this Order, *see* Pt. II, p. 2620, of this vol.

PLANNING AND CONTROL OF DEVELOPMENT

1959 No. 1361 (S. 79)

The Town and Country Planning (General Development) (Scotland) Order, 1959

Made - - - -	*7th August*, 1959
Laid before Parliament	13*th August*, 1959
Coming into Operation	16*th August*, 1959

In exercise of the powers conferred on me by section 11 of the Town and Country Planning (Scotland) Act, 1947(**a**) and sections 8, 35 and 36 of the Town and Country Planning (Scotland) Act, 1959(**b**), and of all other powers enabling me in that behalf, I hereby order as follows:—

Application, citation and commencement

1.—(1) This order shall apply to all land in Scotland:

Provided that in the event of a special development order being made in relation to any such land this order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(2) This order may be cited as the Town and Country Planning (General Development) (Scotland) Order, 1959, and the Town and Country Planning (General Development) (Scotland) Order, 1950(**c**), the Town and Country Planning (General Development) (Scotland) (Amendment) Order, 1958(**d**), and this order may be cited together as the Town and Country Planning (General Development) (Scotland) Orders, 1950 to 1959.

(3) This order shall come into operation on the 16th day of August, 1959.

Interpretation

2.—(1) In this order, unless the context otherwise requires, the following expressions having the meanings respectively assigned to them, namely:—

"the Act of 1959" means the Town and Country Planning (Scotland) Act, 1959, and

"the parties directly concerned" has the meaning assigned to that expression by subsection (10) of section 5,

and a section referred to by number is the section so numbered in the Act of 1959.

(2) The Interpretation Act, 1889(**e**) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Application for and issue of certificates

3.—(1) An application to a local planning authority for a certificate under section 5 shall be in writing and shall (as well as complying with the require-

(a) 10 & 11 Geo. 6. c. 53. (b) 7 & 8 Eliz. 2. c. 70. (c) S.I. 1950/942 (1950 II, p. 1107).
(d) S.I. 1958/1653 (1958 II, p. 2331). (e) 52 & 53 Vict c. 63.

ments of subsection (3) of section 5) 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 local planning authority shall, subject to the provisions of subsection (4) of section 5, be the period of two months from the date of receipt of such an application by them.

(3) If a local 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 so doing and of the rights of appeal to the Secretary of State given by section 6 and this order.

(4) The local planning authority shall send a copy of every certificate issued by them to the town council of every burgh in which is situated any part of the land to which the certificate relates.

Appeals

4.—(1) The time for giving notice of an appeal under section 6 shall be the period of one month from the date of receipt of the certificate or of the expiry of the time or extended period mentioned in subsection (3) 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 (*a*) to the local planning authority, and (*b*) to the other of the parties directly concerned.

(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 local planning authority, and of the certificate (if any) issued by the local 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. A local planning authority shall, on a request in writing by any person appearing to them to have an interest in land which is the subject of a certificate under section 5 or section 7 or of an application for such a certificate, furnish to such person (*a*) the name and address of the applicant for the certificate and the date of the application, and (*b*) a copy of the certificate, if any.

Publication of general requirements

6. If a local planning authority on issuing a certificate specify conditions by reference to general requirements formulated by them under subsection (6) of section 5, the authority shall supply with such certificate and every copy thereof a copy of those 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 offices of the local planning authority and at the offices of every town council or district council within the area of that authority.

7.—(1) Where a public authority possessing compulsory purchase powers—

(*a*) propose to acquire the dominium utile of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (*a*) or paragraph (*b*) of subsection (1) of section 5) and

(*b*) also propose to require the discharge of the land from any feu duty, or ground annual, or other annual or recurring payment or incumbrance out of the land (not being stipend or standard charge in lieu of stipend)

that authority shall within seven days of the date of the proposal to acquire the dominium utile serve notice of the proposals on the person entitled to the feu duty or ground annual or other annual or recurring payment or incumbrance in question.

(2) For the purposes of the preceding paragraph the date of a proposal to acquire the dominium utile of any land shall be taken to be the date on which there first arises in relation to that dominium utile any of the circumstances mentioned in subsection (2) of section 8.

(3) Where—

(*a*) a public authority possessing compulsory purchase powers serve a notice to treat in relation to, or purchase, the dominium utile of any land and

(*b*) the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (*a*) or paragraph (*b*) of subsection (i) of section 5,

that authority shall within seven days of the date of service of the notice to treat or of the date of entering into the contract to purchase the land, as the case may be, give notice of the fact that they have done so to every person entitled to any feu duty or ground annual or other annual or recurring payment or incumbrance out of the land (not being stipend or standard charge in lieu of stipend).

Notices under section 35

8.—(1) The following classes of development are designated for the purposes of section 35 :—

(*a*) construction of buildings for use as a public convenience ;

(*b*) construction of buildings or other operations, or use of land, for the disposal of refuse or waste materials ;

(*c*) construction of buildings or other operations (other than the laying of sewers, the construction of septic tanks serving single dwelling houses, and works ancillary thereto) or use of land, for the purpose of sewage disposal ;

(*d*) construction of buildings or use of land for the purposes of a slaughterhouse or knacker's yard ;

(*e*) construction of buildings and use of buildings for any of the following purposes, namely as a theatre, a cinema, a music hall, a dance hall, a skating rink, a swimming bath, a Turkish or other vapour or foam bath, a gymnasium, or a building for indoor games.

(2) The form of notice required to be published under section 35 shall be that set out in the First Schedule hereto, and the copy of the notice accompanying the application shall be certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate.

Certificates and notices under section 36

9.—(1) A certificate issued for the purposes of section 36 shall be in the form set out in Part I of the Second Schedule hereto.

(2) The requisite notices for the purposes of the provisions of the said section 36 in relation to applications shall be in the forms set out in Part II of the Second Schedule hereto.

(3) The requisite notices for the purposes of the provisions of the said section 36 in relation to appeals shall be in the forms set out in Part III of the Second Schedule hereto.

Dated this 7th day of August, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Notice under section 35

Proposed development at (*a*).....

Notice is hereby given that application is being made to the (*b*)..... by (*c*).....for planning permission to (*d*).....

A copy of the application and of the plans and other documents submitted with it may be inspected at all reasonable hours at (*e*)..... during the 21 days following the date of publication of this notice.

Any person who wishes to make representations to the above-mentioned local planning authority about the application should do so by writing within that period to the * Town Clerk / County Clerk at (*f*).....

Signed.....
Address .....
*On behalf of.....
Date.....

*Delete where inappropriate.

(*a*) Insert address or location of proposed development.
(*b*) Insert name of local planning authority.
(*c*) Insert name and address of applicant.
(*d*) Insert description and address or location of proposed development.
(*e*) Insert address within locality in which land proposed to be developed is situated.
(*f*) Insert address of local planning authority.

SECOND SCHEDULE

PART I

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Certificate under section 36

Certificate A*

I hereby certify that:

1. *I am / the applicant is / the appellant is *the proprietor of the dominium utile / the lessee under a lease of every part of the land to which the accompanying *application / appeal dated..... relates;

or:—

Certificate B*

I hereby certify that:

1. *I have / the applicant has / the appellant has given the requisite notice to all the persons who

21 days before the date of the accompanying *application / appeal were owners of any of the land to which the *application / appeal relates, viz.:—

Name of owner *Address* *Date of service of notice*

or:—

Certificate C*

I hereby certify that:

1.—(i) *I am / the applicant is / the appellant is unable to issue a certificate in accordance with either paragraph (*a*) or paragraph (*b*) of section 36 (1) of the Town and Country Planning (Scotland) Act, 1959, in respect of the accompanying *application / appeal dated.....

(ii) *I have / the applicant has / the appellant has given the requisite notice to the following persons who, 21 days before the date of the *application / appeal, were owners of the land, or part thereof, to which the *application / appeal relates, viz.:—

Name of Owner *Address* *Date of service of notice*

(iii) *I do not / the applicant does not / the appellant does not know the names and addresses of the other owners of the land or part thereof;

(iv) Notice of the *application / appeal as set out below has been published in the (*a*)..... on (*b*).....

Copy of notice as published

(*a*) Insert name of local newspaper circulating in the locality in which the land is situated.

(*b*) Insert date of publication (which must not be earlier than 21 days before the application or appeal).

or:—

Certificate D*

I hereby certify that:

1.—(i) *I am / the applicant is / the appellant is unable to issue a certificate in accordance with paragraph (*a*) of section 36 (1) of the Town and Country Planning (Scotland) Act, 1959, in respect of the accompanying *application / appeal dated..... and *I do not / he does not know the names and addresses of any of the owners of any of the land to which the *application / appeal relates;

(ii) Notice of the *application / appeal as set out below has been published in the (*a*)..... on (*b*).....

Copy of notice as published

(*a*) Insert name of local newspaper circulating in the locality in which the land is situated.

(*b*) Insert date of publication (which must not be earlier than 21 days before the application or appeal.

[Whichever is appropriate of these alternatives should form part of any certificate in form A, B, C or D above.]

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding;

or:—

*2. *I have / The applicant has / the appellant has given the requisite notice to every person who, 21 days before the date of the *application / appeal, was a tenant of any agricultural holding any part of which was comprised in the land to which the *application / appeal relates, viz.:—

Name of Tenant	*Address*	*Date of service of notice*

Signed.....
Address .....
*On behalf of.....
Date.....

*Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Notice under section 36 of application for planning permission

Proposed development at (a).....

[Notice for service on individuals.]

(a) Insert address or location of proposed development.

(b) Insert name of local planning authority.

(c) Insert name and address of applicant.

(d) Insert description and address or location of proposed development.

(e) Insert address of local planning authority.

TAKE NOTICE that application is being made to the (b)..... by (c).....for planning permission to (d).....

If you wish to make representations to the above-mentioned local planning authority about the application, you should do so by writing within 21 days of the date of service of this notice to the *Town Clerk / County Clerk at (e).....

Signed.....
Address .....
*On behalf of.....
Date.....

*Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Notice under section 36 of application for planning permission

Proposed development at (a).....

[Notice for publication in local newspaper.]

(a) Insert address or location of proposed development.

(b) Insert name of local planning authority.

(c) Insert name and address of applicant.

(d) Insert description and address or location of proposed development.

(e) Insert address of local planning authority.

Notice is hereby given that application is being made to the (b)..... by (c).....for planning permission to (d)..... Any owner of the land (including any person entitled to possession of the land under a lease the unexpired period of which is not less than 10 years), who wishes to make representations to the above-mentioned local planning authority about the application should do so by writing within 21 days from the date of publication of this notice to the *Town Clerk / County Clerk at (e).....

Signed.....
Address .....
*On behalf of.....
Date.....

*Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Notice under section 36 of appeal

Proposed development at (*a*).....

TAKE NOTICE that an appeal is being made to the Secretary of State for Scotland by (*b*).....

* (i) against the decision of the (*c*).....

*(ii) on the failure of the (*c*).....to give a decision on an application for planning permission to (*d*).....

.....

.....

If you should wish to make representations to the Secretary of State about the appeal, you should do so by writing within 21 days of the date of service of this notice to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1.

Signed.....

Address .....

*On behalf of.....

Date.....

*Delete where inappropriate.

[Notice for service on individuals.]

(*a*) Insert address or location of proposed development.

(*b*) Insert name and address of appellant.

(*c*) Insert name of local planning authority.

(*d*) Insert description and address or location of proposed development.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Notice under section 36 of appeal

Proposed development at (*a*).....

Notice is hereby given that an appeal is being made to the Secretary of State for Scotland by (*b*).....

* (i) against the decision of the (*c*).....

*(ii) on the failure of the (*c*).....to give a decision on an application for planning permission to (*d*).....

.....

.....

Any owner of the land (including any person entitled to possession of the land under a lease, the unexpired period of which is not less than 10 years) who wishes to make representations to the Secretary of State about the appeal should do so by writing within 21 days of the publication of this notice to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1.

Signed.....

Address .....

*On behalf of.....

Date.....

*Delete where inappropriate.

[Notice for publication in local newspaper.]

(*a*) Insert address or location of proposed development.

(*b*) Insert name and address of appellant.

(*c*) Insert name of local planning authority.

(*d*) Insert description and address or location of proposed development.

EXPLANATORY NOTE

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

This Order prescribes the procedure for obtaining, and for appealing against the terms of a certificate under section 5 of the Town and Country Planning (Scotland) Act, 1959; 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 the certificate where these requirements have not been made generally public.

The Order also designates the classes of development, applications for permission for which must be advertised in accordance with section 35 of the Act, and prescribes the form of the advertisement. Further, in accordance with section 36 of the Act it prescribes the form of certificate to accompany applications for planning permission and appeals against decisions on such applications together with the forms of the notice to be served on the specified persons or published in a newspaper under that section.

ACQUISITION OF LAND

1959 No. 1362 (S. 80)

The Town and Country Planning (Limit of Annual Value) (Scotland) Order, 1959

Made - - - -	*7th August*, 1959
Laid before Parliament	13*th August*, 1959
Coming into Operation	16*th August*, 1959

In exercise of the powers conferred on me by subsection (5) of section 42 of the Town and Country Planning (Scotland) Act, 1959(a) and of all other powers enabling me in that behalf, I hereby order as follows:—

1.—(1) This order may be cited as the Town and Country Planning (Limit of Annual Value) (Scotland) Order, 1959, and shall come into operation on the 16th day of August, 1959.

(2) The Interpretation Act, 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The amount prescribed for the purposes of paragraph (*a*) of subsection (4) of section 38 of the Town and Country Planning (Scotland) Act, 1959, and referred to in Part IV of the Act as "the prescribed limit", is two hundred and fifty pounds.

Dated this 7th day of August, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 7 & 8 Eliz. 2. c. 70. (b) 52 & 53 Vict. c. 63.