STATUTORY INSTRUMENTS

1963 No. 949 (S. 31)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General) (Scotland) Regulations 1963

Made - - - -	13*th May* 1963
Laid before Parliament	22*nd May* 1963
Coming into Operation	23*rd May* 1963

In exercise of the powers conferred on me by sections 7, 17, 18, 20, 22, 25, 42, 76, 101 and 107 of the Town and Country Planning (Scotland) Act 1947(a), and by section 22 of the Town and Country Planning (Scotland) Act 1945(b), as amended by that Act, 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 Town and Country Planning (General) (Scotland) Regulations 1963, and shall come into force on 23rd May 1963.

Interpretation

2.—(1) In these regulations—

" the Act " means the Town and Country Planning (Scotland) Act 1947.

(2) References to any enactment shall except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

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

(4) The Town and Country Planning (General) (Scotland) Regulations 1948(d) are hereby revoked, without prejudice however to the validity of anything done thereunder before the date of coming into operation of these regulations, and anything done under those regulations shall, if in force immediately before that date, continue in force and have effect as if done under these regulations.

Notices under section 7 of the Act

3.—(1) A notice under section 7(1) of the Act (which relates to the right of owners of land designated by a development plan as subject to compulsory acquisition to require their interests to be acquired) shall be in writing specifying the interest to be acquired and shall be served on the local planning authority by delivering it at the offices of the authority addressed to the Clerk thereof, or by sending it by registered post or by the recorded delivery service addressed as aforesaid.

(2) Any such notice as is mentioned in paragraph (1) of this regulation may be served at any time after the expiration of eight years in the case of agricultural land as defined in section 49(4) of the Act, or of twelve years in any other case, from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated, came into operation.

(a) 10 & 11 Geo. 6. c. 53. (b) 8 & 9 Geo. 6. c. 33. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1948/1666 (Rev. XXII, p. 890: 1948 I, p. 4237).

Claims for compensation and purchase notices

4.—(1) A claim for compensation made to a local planning authority under any of the following sections of the Act, namely, sections 18, 20, 25, and 76, or a purchase notice served on a local planning authority under section 17 of the Act, or under that section as modified by section 20 or section 25 thereof, shall be in writing and shall be served on that authority by delivering it at the offices of the authority addressed to the Clerk thereof, or by sending it by registered post or by the recorded delivery service addressed as aforesaid

(2) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be a period of six months from the date of the direction, order or decision in respect of which such claim or notice is made or given :

Provided that such period may be extended by the Secretary of State in any particular case.

Notices, etc., to occupiers and persons having an interest in premises

5. The manner in which a notice or document such as is referred to in section 101(2) of the Act shall be marked in order that it shall be deemed to be duly served under head (*b*) of that subsection shall be by marking clearly and legibly upon the notice or document and upon the envelope containing it, the words " Important—This Communication affects your Property ".

Application of provisions of the Water (Scotland) Act 1946, *to steps required by enforcement notice to be taken*

6. The provisions of sections 57 and 68 of the Water (Scotland) Act 1946(a) shall apply in relation to steps required to be taken by an enforcement notice under section 21 of this Act subject to the following adaptations and modifications :—

In section 57 for the words " local authority " where they occur there shall be substituted the words " local planning authority " ; for the words " under this Part of this Act from a person as being the owner of the premises " there shall be substituted the words " under section 22(1) of the Town and Country Planning (Scotland) Act 1947, from the person who is then the owner of the land " and for the words " those premises " there shall be substituted the words " that land ".

In section 68 for the words " any premises " there shall be substituted the words " any land " ; for the words " those premises " there shall be substituted the words " that land " ; for the words from " executing any work " to the words " such enactment " there shall be substituted the words " taking any steps which he is required to take by an enforcement notice served under section 21 of the Town and Country Planning (Scotland) Act 1947 " ; after the word " enter " there shall be inserted the words " on the land " and for the words " executing the work " where they occur for the second time, there shall be substituted the words " taking those steps ".

Concurrent procedure under section 42(6) *for development plans and compulsory purchase orders*

7. Where notice has been given by advertisement of the submission to the Secretary of State of a development plan, or of proposals for the amendment of such a plan or of any proposal by the Secretary of State

(a) 9 & 10 Geo. 6. c. 42.

to make or amend such a plan, and the plan and proposals as submitted or the proposal of the Secretary of State designates any land as subject to compulsory acquisition, any proceedings required by the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) to be taken for the purposes of an order or authorisation for the compulsory acquisition of such land or any part thereof under section 34(1) or section 35(1) of the Act may be taken concurrently with any proceedings required by or under the Act to be taken in connection with the approval, making or amendment of such development plan:

Provided that no such order or authorisation shall be confirmed, made or given by a Minister before such plan or amendment has become operative.

Concurrent procedure for acquisition of land and extinguishment of rights of way

8.—(1) Where under section 35 of the Act a compulsory purchase order for the acquisition of any land has been made by a local planning authority and submitted to the Secretary of State in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, or where any land has been acquired by a local planning authority under section 37 of the Act, the succeeding provisions of this regulation shall apply in relation to the extinguishment of public rights of way over such land and the acquisition of land for the provision of alternative rights of way.

(2) The Secretary of State may on or after any such submission or acquisition publish in accordance with the provisions of paragraph 1 of the Sixth Schedule to the Act, as applied by section 22 of the Town and Country Planning (Scotland) Act 1945, notice of an order proposed to be made under section 22(1) of that Act, relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Secretary of State may prepare in draft, or a local highway authority may make a compulsory purchase order under section 22(3) of that Act for the acquisition of land for providing an alternative right of way.

(4) Any other proceedings required to be taken in connection with the making of an order under the said section 22(1) of the Town and Country Planning (Scotland) Act 1945, may be taken concurrently with the proceedings required to be taken in connection with such order as is mentioned in paragraph (1) of this regulation, and any other proceedings for the making or confirmation of such compulsory purchase order as is referred to in paragraph (3) of this regulation may be taken concurrently with either or both of the said proceedings:

Provided that:—

(*a*) no such order under the said section 22(1) shall be made until the land over which the right of way subsists has been acquired by the local planning authority; and

(*b*) no such compulsory purchase order as is referred to in paragraph (3) of this regulation shall be made by the Secretary of State or confirmed, until the original right of way has been extinguished by an order under the said section 22(1).

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
13th May 1963.

(a) 10 & 11 Geo. 6. c. 42.

EXPLANATORY NOTE

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

These regulations re-enact the provisions of the 1948 regulations, so far as not spent, with amendments to allow the use of the recorded delivery service in place of registered post for the service of statutory claims and notices under the Town and Country Planning (Scotland) Act 1947 as amended.