

SCHEDULE 2

Article 4

CASES WHERE COMMENCEMENT LIMITED

PART I

1. Section 73 (advance payments of compensation and interest).
2. Section 74 (planning assumptions in connection with acquisition of land by roads authorities).
3. Section 78 (time limit on validity of notice to treat).
4. Section 79 (further amendments relating to land compensation in Scotland) and Schedule 17 in so far as they relate to the following paragraphs of that Schedule:—
 - paragraphs 2 and 3 (local authority and statutory undertakers' land)
 - paragraph 5 (rules for assessment of compensation)
 - paragraph 6 (expenses in acquiring replacement land)
 - paragraph 14 (farm loss payments)
 - paragraph 15 (notice to quit agricultural holding; right to opt for notice of entry compensation)
 - paragraph 21 (advance payments of compensation and interest).
5. Section 80(1) (interest on compensation) and Schedule 18, Part I in so far as they relate to section 39(3) of the Land Compensation (Scotland) Act 1963⁽¹⁾.
6. Section 84(6) and Schedule 19 in so far as they relate to the repeals in Part IV of Schedule 19 of section 12 of the Land Compensation (Scotland) Act 1963 and sections 31(6) and 48(9)(b) of the Land Compensation (Scotland) Act 1973⁽²⁾.

PART II

Provision commenced	Cases in which provision has no effect if date before commencement date
1. Section 47(1) (power of planning authority to decline to determine applications)	1. The date the application is received.
2. Section 60(6) (repeals, minor and consequential amendments of compensation provisions of the Town and Country Planning (Scotland) 1972 ⁽³⁾ Act and Schedule 12 in so far as they relate to the following paragraphs of that Schedule: <ul style="list-style-type: none">(1) Paragraphs 8, 9, 26, 27 and 31(2) Paragraphs 15(d) and 16	<ul style="list-style-type: none">(1) The date a claim for compensation is duly made in accordance with section 143 of the Town and Country Planning (Scotland) Act 1972(2) in a case where—

⁽¹⁾ 1963 c. 51.
⁽²⁾ 1973 c. 56.
⁽³⁾ 1972 c. 52.

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Provision commenced	Cases in which provision has no effect if date before commencement date
	<ul style="list-style-type: none"> (a) a notice under section 155 of that Act is given in consequence of an order under section 42 of that Act, the date of that order; (b) such notice is given in a case falling within section 154 of that Act, the date of the relevant planning decision refusing planning permission or granting it conditionally;
<p>3. Section 61 (Planning minor and consequential amendments) and Schedule 13 in so far as they relate to paragraph 36 of that Schedule</p>	<p>3. The date a claim for compensation is duly made in accordance with section 143 of the Town and Country Planning (Scotland) Act 1972</p>
<p>4. Section 72 (home loss payments)</p>	<ul style="list-style-type: none"> (a) (a) in a case where paragraph (a) or (b) of subsection (1) of section 27 of the Land Compensation (Scotland) Act 1973(4) applies the date the event mentioned in paragraph (a) or (b) occurs; (b) in a case where paragraph (c) or (d) of that subsection applies, the date the land is acquired (or as the case may be) appropriated; (c) in a case where paragraph (e) of that subsection applies the date when the occupants have been required to remove; and (d) in a case where paragraph (f) of that subsection applies the date when the proceedings for the order for recovery of possession mentioned in that paragraph are started.
<p>5. Section 75 (certification of appropriate alternative development)</p>	<p>5. The date any of the circumstances mentioned in section 30(2) of the Land Compensation (Scotland) Act 1963(5) arises.</p>
<p>6. Section 79 (further amendments relating to land compensation) and Schedule 17 in so far as they relate to the following paragraphs of that Schedule:—</p> <p>(1) paragraphs 7 to 10 (certification of appropriate alternative development)</p>	<p>(1) the date of the circumstances mentioned in section 30(2) of the Land Compensation (Scotland) Act 1963 arises;</p>

(4) 1973 c. 56; section 27(1) was amended by the Housing Act 1974 (c. 44), Schedule 13, paragraph 42(1), the Housing Rents and Subsidies (Scotland) Act 1975 (c. 28), Schedule 3, paragraph 9, the Housing (Financial Provisions) (Scotland) Act 1978 (c. 14), Schedule 2, paragraph 12(a), the Housing (Scotland) Act 1986 (c. 65), section 20(2), and the Housing (Scotland) Act 1987 (c. 26), Schedule 23, paragraph 19(1).

(5) 1963 c. 51.

Provision commenced	Cases in which provision has no effect if date before commencement date
(2) paragraph 20 (home loss payments)	(2) the relevant date shown in the entry in paragraph 4 of this column for section 72 of the 1991 Act.
7. Section 80(1) (interest on compensation) 7. and Schedule 18 in so far as they relate to—	
(1) Section 2 of the Land Drainage (Scotland) Act 1930(6)	(1) the date of application to the Sheriff for a warrant authorising the carrying out of work;
(2) Section 1 of the Land Drainage (Scotland) Act 1941(7)	(2) the date on which the Secretary of State decides to proceed with execution of the works;
(3) Section 4 of the land Drainage (Scotland) Act 1958(8)	(3) the date on which the Secretary of State makes the improvement order in accordance with the provisions of the said Act.
(4) Section 10(4)(a) of the Forestry Act 1967(9)	(4) the date the application for a felling licence is refused;
(5) section 153 of the Town and Country Planning (Scotland) Act 1972(10)	(5) the date of the order under section 42;
(6) section 154 of that Act	(6) the date the planning permission is refused or granted subject to conditions;
(7) section 159 of that Act	(7) the date of the order under section 49;
(8) section 161 of that Act	(8) the date of the order under paragraph 9 of Schedule 10;
(9) section 162 of that Act	(9) the date of the building preservation notice;
(10) section 163 of that Act	(10) the date the consent required by the tree preservation order is refused or granted subject to conditions;
(11) section 164 of that Act	(11) the date on which the requirement was imposed by the planning authority or the Secretary of State;
(12) section 165 of that Act	(12) the date the works are begun to be carried out;
(13) section 166 of that Act	(13) the date of the stop notice;
(14) Section 167A of that Act	(14) the date order made;
(15) section 176 of that Act	(15) the date of the purchase notice;
(16) section 201(5) of that Act	(16) the date of the order under section 201(2);

(6) 1930 c. 20.
(7) 1941 c. 13.
(8) 1958 c. 24.
(9) 1967 c. 10.
(10) 1972 c. 52.

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Provision commenced	Cases in which provision has no effect if date before commencement date
(17) section 26(1) of that Act	(17) the date of the decision made in accordance with section 214 or (as the case may be) of the order under section 42;
(18) section 226(2) of that Act	(18) the date of the notice under section 219(1);
(19) section 18(1)(a) and (b) of the Reservoirs Act 1975 (11)	(19) the date of the entry on the land;
(20) section 7 of the Ancient Monuments and Archeological Areas Act 1979 (12)	(20) the date the scheduled monument consent is refused or granted subject to conditions;
(21) section 9 of that Act	(21) the date the works cease to be authorised;
(22) section 46 of that Act	(22) the date of entry on the land.
(23) section 10 of the Water (Scotland) Act 1980 (13)	(23) the date of the exercise of the powers under the 1980 Act by either the district council or water authority or water development board;
(24) Schedule 6 to that Act	(24) the date of the order;
(25) section 71(6) of the Roads (Scotland) Act 1984 (14)	(25) the date the damage is suffered;
(26) section 72 of that Act	(26) the date the damage is suffered;
(27) section 83(8) of that Act	(27) the date of the notice;
(28) section 88(2) of that Act	(28) the date on which damage is sustained;
(29) section 106 of that Act	(29) as regards compulsory acquisition, date on which compulsory purchase notice first published; as regards acquisition by agreement, date agreement made;
(30) section 116 of that Act	(30) the date the damage is sustained;
(31) section 121 of that Act	(31) the date on which damage done or materials removed;
(32) section 140 of that Act	(32) the date on which the power under section 140 is exercised.
8. Section 84(6) and Schedule 19 in so far as they relate to the repeals in Part IV of that Schedule of or in—	
(1) sections 25(8) and 30(3) of the Land Compensation (Scotland) Act 1963 (15) (certification of appropriate alteration development)	(1) the date any of the circumstances mentioned in section 30(2) arises;

(11) 1975 c. 23.

(12) 1979 c. 46.

(13) 1980 c. 45.

(14) 1984 c. 54.

(15) 1963 c. 51.

Provision commenced	Cases in which provision has no effect if date before commencement date
(2) sections 35, 36, 248 and 275(1) of the Town and Country Planning (Scotland) Act 1972 ⁽¹⁶⁾	(2) the date a claim for compensation is duly made in accordance with section 143;
(3) section 156 of the Town and Country Planning (Scotland) Act 1972	(3) in a case where— (i) a notice under section 155 is given in consequence of an order under section 42, the date of that order; (ii) such notice is given in a case falling within section 154, the date of the relevant planning decision refusing planning permission or granting it conditionally;
(4) in section 27(1) of the Land Compensation (Scotland) Act 1973 ⁽¹⁷⁾	(4) the relevant date in the entry in paragraph 4 of this column for section 72 of the 1991 Act.

⁽¹⁶⁾ 1972 c. 52.

⁽¹⁷⁾ 1973 c. 56.