

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Cross Heading: Objection to severance. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 24

#### GENERAL VESTING DECLARATIONS

##### Modifications etc. (not altering text)

- C1 Sch. 24 applied by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 36(3)
- C1 Sch. 24 extended by Land Compensation (Scotland) Act 1973 (c. 56), ss. 46(4), 49(5)

### PART II

#### SUPPLEMENTARY PROVISIONS

##### *Objection to severance*

- 19 Paragraph 4 of Schedule 2 to the Acquisition Act 1947 shall not apply to land in respect of which a general vesting declaration is made under this Act.

##### Modifications etc. (not altering text)

- C1 Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by Housing (Scotland) Act 1987 (c. 26, SIF 61), s. 77(3), Sch. 6 para. 1 (with s. 335)
- C2 Paras. 19–29 modified by Local Government, Planning and Land Act 1980 (c. 65), Sch. 27 paras. 15–20

- 20 (1) If a general vesting declaration under this Act comprises part only of a house, building or factory, or of a park or garden belonging to a house, any person who is able to sell the whole of the house, building, factory, park or garden may by notice served on the acquiring authority (in this Part of this Schedule referred to as a “notice of objection to severance”) require them to purchase his interest in the whole.
- (2) Except as provided by paragraph 29 below, a notice of objection to severance served by any person shall not have effect if it is served more than twenty-eight days after the date on which the notice required by paragraph 4 above is served on him.

##### Modifications etc. (not altering text)

- C3 Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by Housing (Scotland) Act 1987 (c. 26, SIF 61), s. 77(3), Sch. 6 para. 1 (with s. 335)
- C4 Paras. 19–29 modified by Local Government, Planning and Land Act 1980 (c. 65), Sch. 27 paras. 15–20

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**C5** Sch. 24 para 20(2) modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), **Sch. 6 para. 4** (with s. 335)

- 21 Where a notice of objection to severance is served in respect of a person's interest in any land (in this Part of this Schedule referred to as "the land proposed to be severed"), and is so served within the time allowed in accordance with paragraph 20(2) above, then, notwithstanding anything in paragraph 7 above,—
- (a) that interest shall not vest in the acquiring authority, and
  - (b) if he is entitled to possession of that land, the acquiring authority shall not be entitled to enter upon or take possession of it,
- until the notice has been disposed of in accordance with the following provisions of this Schedule.

**Modifications etc. (not altering text)**

- C6** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), **Sch. 6 para. 1** (with s. 335)
- C7** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 27 paras. 15–20**

- 22 Within three months after a person has served on an acquiring authority a notice of objection to severance, the acquiring authority shall either—
- (a) serve notice on him withdrawing the notice to treat deemed to have been served on him in respect of his interest in the land proposed to be severed, or
  - (b) serve notice on him that the general vesting declaration shall have effect, in relation to his interest in the land proposed to be severed, as if the whole of that land had been comprised in the declaration (and in the compulsory purchase order, if part only of that land was comprised in that order), or
  - (c) refer the notice of objection to severance to the Lands Tribunal and notify him that it has been so referred.

**Modifications etc. (not altering text)**

- C8** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), **Sch. 6 para. 1** (with s. 335)
- C9** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 27 paras. 15–20**

- 23 If the acquiring authority do not take action in accordance with the last preceding paragraph within the period allowed by that paragraph, then at the end of that period they shall be deemed to have acted in accordance with sub-paragraph (a) of that paragraph.

**Modifications etc. (not altering text)**

- C10** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), **Sch. 6 para. 1** (with s. 335)
- C11** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 27 paras. 15–20**

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- 24 Where in accordance with paragraph 22 or 23 above the notice to treat deemed to have been served in respect of a person's interest in the land proposed to be severed is withdrawn, or is deemed to have been withdrawn,—
- (a) that interest shall not vest in the acquiring authority by virtue of the general vesting declaration, and
  - (b) if he is entitled to possession of that land, the acquiring authority shall not be entitled by virtue of that declaration to enter upon or take possession of it.

**Modifications etc. (not altering text)**

- C12** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), [Sch. 6 para. 1](#) (with s. 335)
- C13** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 27 paras. 15–20](#)

- 25 Where an acquiring authority take action in accordance with sub-paragraph (b) of paragraph 22 above, the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that sub-paragraph, whether apart from this Schedule the acquiring authority could have been authorised to acquire the interest in question in the whole of the land proposed to be severed or not.

**Modifications etc. (not altering text)**

- C14** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), [Sch. 6 para. 1](#) (with s. 335)
- C15** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 27 paras. 15–20](#)

- 26 Where in accordance with paragraph 22(c) above an acquiring authority refer a notice of objection to severance to the Lands Tribunal, and on that reference the Tribunal determines that the part of the land proposed to be severed which is comprised in the general vesting declaration can be taken—
- (a) in the case of a house, building or factory, without material detriment, or
  - (b) in the case of a park or garden, without seriously affecting the amenity or convenience of the house,
- paragraph 21 above shall thereupon cease to have effect in relation to that notice.

**Modifications etc. (not altering text)**

- C16** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), [Sch. 6 para. 1](#) (with s. 335)
- C17** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 27 paras. 15–20](#)
- C18** Para. 26 amended by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [s. 54\(1\)](#)

- 27 (1) If on such a reference the Lands Tribunal does not make a determination in accordance with the last preceding paragraph, the Tribunal shall determine the area

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of that land (being the whole of it or a part of it which includes the part comprised in the general vesting declaration) which the acquiring authority ought to be required to take; and the general vesting declaration shall have effect, in relation to the interest in that area of the person who served the notice of objection to severance, as if the whole of that area had been comprised in the general vesting declaration, whether apart from this Schedule the acquiring authority could have been authorised to acquire that interest in the whole of that area or not.

- (2) Where the preceding sub-paragraph applies, and part of the area determined by the Lands Tribunal was not comprised in the compulsory purchase order, the general vesting declaration shall have effect as mentioned in the preceding sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.

**Modifications etc. (not altering text)**

- C19** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), [Sch. 6 para. 1](#) (with s. 335)
- C20** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 27 paras. 15–20](#)

- 28 Where by virtue of paragraph 22(a), 23, 25 or 27 above a general vesting declaration is to have effect in relation to a different area of land from that originally comprised in the declaration, the acquiring authority shall alter accordingly the description of the land affected by the declaration.

**Modifications etc. (not altering text)**

- C21** Sch. 24 paras. 1(2), 8–13, 16–28, 30–36, 38, 39 modified by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3), [Sch. 6 para. 1](#) (with s. 335)
- C22** Paras. 19–29 modified by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 27 paras. 15–20](#)

- 29 (1) Where in accordance with paragraph 20(1) above a person is entitled to serve a notice of objection to severance, and it is proved—
- (a) that he never received the notice required by paragraph 4 above to be served on him, or received that notice less than twenty-eight days before, or on or after, the date on which the period specified in the general vesting declaration expired, and
  - (b) that a notice of objection to severance served by him was served not more than twenty-eight days after the date on which he first had knowledge of the execution of the general vesting declaration,
- that notice shall have effect notwithstanding that it is served after the time allowed in accordance with paragraph 20(2) above has expired.
- (2) Where, in the circumstances specified in the preceding sub-paragraph, a person serves a notice of objection to severance after the end of the period specified in the general vesting declaration,—
- (a) paragraphs 21 and 24 above shall not have effect in relation to that notice;
  - (b) paragraph 22 above shall have effect in relation to that notice as if sub-paragraph (a) of that paragraph were omitted;

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- (c) paragraph 23 above shall have effect in relation to that notice with the substitution, for the words “sub-paragraph (a)”, of the words “sub-paragraph (b)”; and
- (d) paragraph 26 above shall not have effect in relation to that notice, but without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

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**Modifications etc. (not altering text)**

**C23** Sch. 24 para. 29 modified by Housing (Scotland) Act 1987 (c. 26, SIF 61), s. 77(3), Sch. 6 paras. 1, 5 (with s. 335)

**C24** Paras. 19–29 modified by Local Government, Planning and Land Act 1980 (c. 65), Sch. 27 paras. 15–20

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