



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART IV

COMPULSORY PURCHASE

Severance of land

49 Notice to treat in respect of part of agricultural land.

- (1) Where an acquiring authority serve notice to treat in respect of any agricultural land on a person (whether in occupation or not) having a greater interest in the land than as tenant for a year or from year to year, and that person has such an interest in other agricultural land comprised in the same agricultural unit as that to which the notice relates, the person on whom the notice is served (hereafter referred to as “the claimant”) may within the period of two months beginning with the date of service of the notice to treat, serve on the acquiring authority a counter-notice—
 - (a) claiming that the other land is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and
 - (b) requiring the acquiring authority to purchase his interest in the whole of the other land.
- (2) Where a counter-notice is served under subsection (1) above the claimant shall also, within the period mentioned in that subsection, serve a copy thereof on any other person who has an interest in the land to which the requirement in the counter-notice relates, but failure to comply with this subsection shall not invalidate the counter-notice.
- (3) Subject to subsection (4) below, “other relevant land” in subsection (1) above means—
 - (a) land comprised in the same agricultural unit as the land to which the notice to treat relates, being land in which the claimant does not have such an interest as is mentioned in that subsection; and

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 49. (See end of Document for details)

- (b) land comprised in any other agricultural unit occupied by him on the date of service of the notice to treat, being land in respect of which he is then entitled to a greater interest than as tenant for a year or from year to year.
- (4) Where an acquiring authority have served a notice to treat in respect of any of the other agricultural land mentioned in subsection (1) above or in respect of other relevant land as defined in subsection (3) above [^{F1}or such a notice is deemed to have been served by virtue of sections 88 to 95 of the Town and Country Planning (Scotland) Act 1997], then, unless and until that notice to treat is withdrawn, this section and section 50 below shall have effect as if that land did not form part of that other agricultural land or did not constitute other relevant land, as the case may be.
- (5) This section shall have effect in relation to a case where a notice to treat is deemed to have been served by virtue of any of the provisions of ^{F2}. . . [^{F3}Schedule 15 to the Town and Country Planning (Scotland) Act 1997] (general vesting declarations) as it has effect in relation to a case where a notice to treat is actually served, and section 50 below shall have effect accordingly.
- (6) This section is without prejudice to the rights conferred by sections 91 and 92 of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845 (provisions as to divided land).

Textual Amendments

- F1** Words in s. 49(4) inserted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 21(8)(a)**
- F2** Words in s. 49(5) repealed (27.5.1997) by 1997 c. 11, ss. 3, 4, 6(2), Sch. 1 Pt. I, **Sch. 2 para. 21(8)(b)(i)** (with s. 5, Sch. 3)
- F3** Words in s. 49(5) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 21(8)(b)(ii)**

Marginal Citations

- M1** 1845 c. 19.

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