



Land Compensation (Scotland) Act 1973

1973 CHAPTER 56

PART IV

COMPULSORY PURCHASE

Severance of land

51 Notice of entry in respect of part of agricultural holding.

- (1) Where an acquiring authority serve notice of entry under paragraph 3 of Schedule 2 to the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or [^{F1}paragraph 15 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997] on the person in occupation of an agricultural holding, being a person having no greater interest therein than as tenant for a year or from year to year, and the notice relates to part only of that holding, 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 of entry, serve on the the acquiring authority a counter-notice—
 - (a) claiming that the remainder of the holding is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit; and
 - (b) electing to treat the notice of entry as a notice relating to the entire holding.
- (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 the landlord of the holding, 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 agricultural holding; and
 - (b) land comprised in any other agricultural unit occupied by the claimant on the date of service of the notice of entry, 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.

Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1973, Section 51. (See end of Document for details)

- (4) Where an acquiring authority have served a notice to treat in respect of land in the agricultural holding other than that to which the notice of entry relates or in respect of other relevant land as defined in subsection (3) above, then, unless and until that notice to treat is withdrawn, this section and section 52 below shall have effect as if that land did not form part of the holding or did not constitute other relevant land, as the case may be.

Textual Amendments

F1 Words in s. 51(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 21(9)**

Marginal Citations

M1 1947 c. 42.

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