

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Objection to severance is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 15

GENERAL VESTING DECLARATIONS

Modifications etc. (not altering text)

- C1 Sch. 15 applied (with modifications) (23.12.1999) by S.I. 1999/201, **art. 26(1)(2)**
Sch. 15 applied (with modifications) (23.12.1999) by S.I. 1999/203, **art. 27(1)**
- C1 Sch. 15 applied (with modifications) (2.4.2004) by Highland Council (Inverie) Harbour Empowerment Order 2004 (S.S.I. 2004/171), arts. 1, **26** (with arts. 28, 29)
- C1 Sch. 15 applied (with modifications) (18.1.2006) by Highland Council (Raasay) Harbour Revision Order 2006 (S.S.I. 2006/17), arts. 1, **31** (with art. 35)
- C1 Sch. 15 applied (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 42(1)** (with s. 75)
- C1 Sch. 15 applied (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 42(1)** (with ss. 76, 84)
- C1 Sch. 15 applied (24.7.2006) by Waverley Railway (Scotland) Act 2006 (asp 13), **s. 42** (with ss. 50(2), 51)
- C1 Sch. 15 applied (15.1.2007) by Glasgow Airport Rail Link Act 2007 (asp 1), **s. 40(1)** (with s. 50)
- C1 Sch. 15 applied (with modifications) (3.2.2011) by Forth Crossing Act 2011 (asp 2), **ss. 35(2)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.
- C4 Sch. 15 applied (19.4.2007) by Edinburgh Airport Rail Link Act 2007 (asp 16), **s. 35(1)** (with ss. 52, 60)
- C5 Sch. 15 applied (8.5.2007) by Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19), **s. 35(1)** (with ss. 48, 59)
- C8 Sch. 15 applied (with modifications) (1.6.2010) by The Network Rail (Waverley Steps) Order 2010 (S.S.I. 2010/188), arts. 1, **24**
- C9 Sch. 15 applied (with modifications) (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **32** (with art. 37)

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.
- 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 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, a notice of objection to severance served by any person shall not have effect if it is served more than 28 days after the date on which the notice required by paragraph 4 above is served on him.

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Modifications etc. (not altering text)

- C2** Sch. 15 para. 20 excluded (15.1.2007) by [Glasgow Airport Rail Link Act 2007 \(asp 1\), s. 13\(3\)](#) (with s. 50)
- C3** Sch. 15 para. 20 excluded (19.4.2007) by [Edinburgh Airport Rail Link Act 2007 \(asp 16\), s. 18\(3\)](#) (with ss. 52, 60)
- C6** Sch. 15 para. 20 excluded (8.5.2007) by [Airdrie-Bathgate Railway and Linked Improvements Act 2007 \(asp 19\), s. 18\(3\)](#) (with ss. 48, 59)
- C7** Sch. 15 para. 20 excluded (1.6.2010) by [The Network Rail \(Waverley Steps\) Order 2010 \(S.S.I. 2010/188\), arts. 1, 15\(3\)](#)
- C10** Sch. 15 para. 20 excluded (11.4.2017) by [The Network Rail \(Glasgow Queen Street Station\) Order 2017 \(S.S.I. 2017/100\), arts. 1, 17\(3\)](#) (with art. 37)
- 21 Where a notice of objection to severance is served in respect of a person’s interest in any land (in this Part referred to as “the land proposed to be severed”), and is so served within the time allowed in accordance with paragraph 20(2), then, notwithstanding anything in paragraph 7—
- (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.
- 22 Within 3 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,
 - (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.
- 23 If the acquiring authority do not take action in accordance with paragraph 22 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.
- 24 Where in accordance with paragraph 22 or 23 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.
- 25 Where an acquiring authority take action in accordance with paragraph 22(b), the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that 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.

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- 26 Where in accordance with paragraph 22(c) 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 shall thereupon cease to have effect in relation to that notice.
- 27 (1) If on such a reference the Lands Tribunal does not make a determination in accordance with paragraph 26, the Tribunal shall determine the area 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 sub-paragraph (1) 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 that sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.
- 28 Where by virtue of paragraph 22(a), 23, 25 or 27 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.
- 29 (1) Where in accordance with paragraph 20(1) a person is entitled to serve a notice of objection to severance, and it is proved—
- (a) that he did not receive the notice required by paragraph 4 to be served on him, or received that notice less than 28 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 28 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) has expired.
- (2) Where, in the circumstances specified in sub-paragraph (1), 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 shall not have effect in relation to that notice,
 - (b) paragraph 22 shall have effect in relation to that notice as if sub-paragraph (a) of that paragraph were omitted,
 - (c) paragraph 23 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 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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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)