



# Town and Country Planning (Scotland) Act 1959

1959 CHAPTER 70 7 and 8 Eliz 2

## PART V

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### 54 Interpretation.

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

“the Act of 1919” means the <sup>M1</sup>Acquisition of Land (Assessment of Compensation) Act, 1919;

“the Act of 1947” means the <sup>M2</sup>Town and Country Planning (Scotland) Act, 1947;

“the Act of 1954” means the <sup>M3</sup>Town and Country Planning (Scotland) Act, 1954;

[<sup>F1</sup> “ the Act of 1969 ” means the <sup>M4</sup> Town and Country Planning (Scotland) Act 1969 ]

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“compulsory acquisition” and “public authority possessing compulsory purchase powers” have the same meanings as in the Act of 1954;

“disposal” means disposal by way of sale, excambion or lease, or by way of the creation of any servitude, right or privilege, or in any other manner, except by way of appropriation, gift, or the creation of a heritable security, and “dispose of” shall be construed accordingly;

“function” means a power or a duty, and “grant-aided function”, in relation to a body, means a function in respect of which a grant or contribution (other

*Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1959, Section 54. (See end of Document for details)*

than any grant under [F3]section 2 of the M5Local Government (Scotland) Act 1966] . . . F4 is payable to that body by a government department out of moneys provided by Parliament [F5or out of money paid out of the Scottish Consolidated Fund];

“government department” includes a Minister of the Crown;

“local enactment” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

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“prescribed” (except in relation to matters required or authorised by this Act to be prescribed by an order) means prescribed by regulations under this Act;

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- (2) In this Act, in relation to a compulsory acquisition in pursuance of a notice to treat, “the relevant interest” means the interest acquired in pursuance of that notice, “the relevant land” means the land in which the relevant interest subsists, and “the notice to treat” means the notice to treat in pursuance of which the relevant interest is acquired.
- (3) Subject to the preceding subsections, and except in so far as the context otherwise requires, expressions used in this Act and in the Act of 1947 have the same meanings in this Act as in that Act.
- (4) Subsections (3), (4), (6), (7) and (9) of section sixty-nine of the Act of 1954 (which relates to the interpretation of that Act) shall apply for the purposes of this Act as they apply for the purposes of that Act.
- (5) Subsections (2) and (3) of section one hundred and eight of the Act of 1947 shall apply for the purposes of the construction of references in this Act to the Third Schedule to the Act of 1947.
- (6) For the purposes of this Act a person entitled to two interests in land shall be taken to be entitled to them in the same capacity if, but only if, he is entitled—
  - (a) to both of them beneficially, or
  - (b) to both of them as trustee of one particular trust, or
  - (c) to both of them as personal representative of one particular person;
 and in this subsection “trustee” has the same meaning as in the M6Trusts (Scotland) Act, 1921.

F6(7) .....

- (8) Any reference in this Act to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies is a reference to a sale thereof to a public authority possessing compulsory purchase powers, being a sale in pursuance of a contract made after the twenty-ninth day of October, nineteen hundred and fifty-eight.
- (9) For the purposes of this Act development of land shall be taken to be initiated—
  - (a) if the development consists of the carrying out of operations, at the time when those operations are begun;

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**Changes to legislation:** There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1959, Section 54. (See end of Document for details)

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- (b) if the development consists of a change in use, at the time when the new use is instituted;
  - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.
- (10) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment including this Act.

#### Textual Amendments

- F1** Definition added by [Town and Country Planning \(Scotland\) Act 1969 \(c. 30\)](#), **Sch. 3**
- F2** Definitions repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. XII**
- F3** Words substituted by [Local Government \(Scotland\) Act 1966 \(c. 51\)](#), **Sch. 5**
- F4** Words repealed with saving by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\)](#), s. 79(3), **Sch. 11 Pt. III** para.
- F5** S. 54(1): words inserted in definition of “grant aided function” (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 30**; S.I. 1998/3178
- F6** S. 54(7) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 13 Pts. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

#### Marginal Citations

- M1** 1919 c. 57.
- M2** 1947 c. 53.
- M3** 1954 c. 73.
- M4** 1969 c. 30.
- M5** 1966 s. 51.
- M6** 1921 c. 58.

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