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TITLE CONDITIONS (SCOTLAND) ACT 2003:
CONSEQUENTIAL AMENDMENTS TO PLANNING
AND COMPULSORY PURCHASE LEGISLATION

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circular



SCOTTISH EXECUTIVE
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Title Conditions (Scotland) Act 2003: Consequential Amendments to Planning and Compulsory Purchase Legislation

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- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
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Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

This Circular summarises the Scottish Ministers' understanding of the general effect of the relevant primary or secondary legislation although the summaries do not carry statutory authority in themselves and legal advice should always be taken in case of doubt.

INTRODUCTION

1. This Circular explains the provisions of the Compulsory Purchase of Land (Scotland) Regulations 2003 and the Title Conditions (Scotland) Act 2003 (Consequential Provisions) Order 2003, as it relates to Planning and Compulsory Purchase legislation, WHICH CAME INTO FORCE ON 1 November 2003.

COMPULSORY PURCHASE OF LAND (SCOTLAND) REGULATIONS 2003 (SSI 2003/446)

2. The Compulsory Purchase of Land (Scotland) Regulations 2003 replace and update the Compulsory Purchase of Land (Scotland) Regulations 1976 (SI 1976/820). The Regulations prescribe the forms in which compulsory purchase orders and general vesting declarations shall be made and also the notices, advertisements and other documents required in connection therewith. The 1976 Regulations will be revoked once the 2003 Regulations come into force.
3. The 2003 Regulations amend the forms of compulsory purchase order, notices and general vesting declaration to take account of changes to compulsory purchase procedure made by sections 106 and 109 of the Title Conditions (Scotland) Act 2003 (the 2003 Act). The principal changes are-
 - (a) to amend the form of compulsory purchase order to make provision for the possibility that such an order may not extinguish real burdens and servitudes, or certain rights to enforce the same, or may not disapply a development management scheme. These possibilities are envisaged by sections 106(1) and (2) of the 2003 Act;
 - (b) to amend the various forms of notice to be given under sub-paragraph 3(b) of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to take account of the amendments made to that sub-paragraph by section 109 of the 2003 Act.
4. The 2003 Regulations also replace references to the Town and Country Planning (Scotland) Act 1972 as appropriate, and omit obsolete material relating to the repealed Community Land Act 1975.

THE TITLE CONDITIONS (SCOTLAND) ACT 2003 (CONSEQUENTIAL PROVISIONS) ORDER 2003 (SSI 2003/503)

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (the 1984 Regulations)

5. The 1984 Regulations are amended to add notices affixed to lampposts pursuant to the 2003 Act to the class of advertisements which are deemed under Regulation 10 to have consent for their display. Regulation 6 is amended to bring Schedule 1 of the 1984 Regulations in line with the provisions of the 2003 Act.

The Compulsory Purchase by Public Authorities (Inquiry Procedure) (Scotland) Rules 1998 (the 1998 Rules)

6. The 1998 Rules are amended to change the definition of statutory objector to bring this in line with the class of persons to be notified of a compulsory purchase order following the changes made to the notification procedure by section 109 of the 2003 Act.

Title Conditions (Scotland) Act 2003

7. The Order also makes some amendments to sections 106 and 109 of the 2003 Act. The amendment to section 106 ensures that section 106 will only apply to compulsory purchase orders where notice of making of the compulsory purchase order has been given on or after 1 November 2003. The changes to section 109 (which amends the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947) are to allow, with regard to holders of real burdens and benefited properties, notice of confirmation of a compulsory purchase order to be given in the same manner as notice of making of the order.

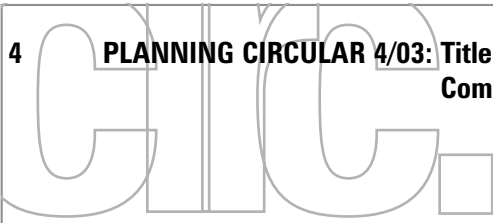
FURTHER COPIES AND ENQUIRIES

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Yours faithfully



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