

*Power to make a General Vesting Declaration*

1. The Cumbernauld Development Corporation (hereinafter called "the Authority") may acquire any of the land to which this notice relates (hereinafter called "the relevant land") by making a general vesting declaration under Section 278 of the Town and County Planning (Scotland) Act 1972, which has the effect, subject to paragraph 4 below, of vesting the land in the authority at the end of the period mentioned in paragraph 2 below. A declaration may not be made before the end of the period of two months beginning with the date of first publication of this article in the press unless with the consent of every occupier of the land affected.

*Notice, etc., preliminary to General Vesting Declaration*

2. If the Authority make a general vesting declaration, they must serve notice of it on every occupier of any of the land affected except land where there is one of the tenancies described in paragraph 3 below) and on every person who gives them information relating to the land in consequence of the invitation contained in this or any similar notice. When the service of notices of the general vesting declaration is completed, an intermediate period before vesting begins to run. This period, which must not be less than 28 days, will be specified in the declaration. At the end of the period the land described in the declaration will, subject to paragraph 4 below, vest in the Authority together with the right to enter on the land and take possession of it. At the same time every person on whom the Authority could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 3 below) will be entitled to compensation for the acquisition of his interest in the land and to interest on the compensation from the date of vesting.

*Tenancies with only a short time to run*

3. Where a person's interest arises under a tenancy which has only a short time to run, the position stated above is subject to modification. For the modifications to apply the tenancy must be either a "short tenancy", i.e. a tenancy for a year or from year to year or any lesser interest, or a "long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a short tenancy but having at the date of the general vesting declaration a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has to run where any option to renew or to terminate it is available to either party, it is assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or extend his interest.

*Notice of Entry*

4. The Authority may not exercise the right of entry referred to in paragraph 2 above in respect of land subject to one of the tenancies described in paragraph 3 above unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than 14 days) specified in the notice. The right of entry will be exercisable at the end of that period. The effect of the general vesting declaration will be subject to the tenancy until it comes to an end.

*Severance*

5. If the effect of the general vesting declaration will be to sever a house, building or factory, or a park or garden belonging to a house, by vesting part of it in the Authority and leaving part of it with the person who is entitled to, and is in a position to sell, the whole, that person may serve on the Authority a notice of objection to severance. A notice of objection to severance, in order to be effective, must be served by that person within 28 days of the service on him by the Authority of the notice of the general vesting declaration referred to in paragraph 2 above (save in the exceptional cases referred to in paragraph 29 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972). This (save in those exceptional cases) stops the objector's interest from vesting in the Authority until his rights in the matter have been settled. The Authority have (save in those exceptional cases) three courses open to them:

- (1) they may serve the objector with a notice which in effect excludes the objector's land from the scope of the declaration (and, if he receives no notice from the

Authority under one of the other two alternatives within three months after he has served them with his notice of objection to severance, they will be treated as having done this); or

- (2) they may serve him with notice that the declaration shall have effect in relation to the whole of the land (in which case the declaration will take effect in accordance with the notice); or
- (3) they may refer the objection to the Lands Tribunal and give him notice that they have done so.

*Powers of the Lands Tribunal in severance cases*

6. If the Lands Tribunal determine that the part of the objector's property comprised in the declaration can be taken without material detriment (where the objection concerns the taking of part of a house, building or factory) or (where the objection concerns the taking of part of a park or garden) can be taken without seriously affecting the amenity or convenience of the house, the notice of objection ceases to have effect, so that the land affected, i.e., the part of the property comprised in the declaration, will vest in the Authority. If the Lands Tribunal do not decide in that way, they must decide what part (if any) of the objector's land the Authority ought to be required to take in addition to the part comprised in the declaration. The declaration will then take effect as if both these parts had been comprised in the declaration.

*Apportionment of Charge*

7. If any of the relevant land forms part of property subject to a charge, and the charge is apportioned between the relevant land and the remainder of the property by agreement or under Section 109 of the Lands Clauses Consolidation (Scotland) Act 1845, the part apportioned to the relevant land will be treated as extinguished on the vesting of that land in the Authority, and after that the owner of the land will only be liable to pay the part apportioned to the remainder of the property. Compensation for the extinguishment will be payable to the person entitled to the charge, and may be settled by agreement between him and the Authority or determined by the Lands Tribunal. Alternatively the owner of the land and the person entitled to the charge may agree that the part of the property which is comprised in the relevant land shall be released from the charge and that the whole charge shall be charged on the remainder of the property. This will operate to release the relevant land from the charge and to charge the whole charge on the remainder of the property.

*Apportionment of Rent*

8. Where any of the relevant land forms part of property subject to a tenancy, the rent will be apportioned between the relevant land and the remainder of the property on the vesting in the Authority of the tenancy of the relevant land. After that, the tenant will only be liable for that part of the rent which is apportioned to the remainder of the property. Any compensation to which he may be entitled for severance of his property will be assessed with reference to the severance caused by that vesting.

Every person who, if a general vesting declaration were made in respect of all the land comprised in the Order in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of any such land is invited to give information to the Authority making the declaration in the form prescribed in Part II of the Second Schedule to the Compulsory Purchase of Land (General Vesting Declaration) (Scotland) Regulations 1969 with respect to his name and address, the land in question and the nature of his interest.

Dated 3rd March 1975.

J. N. ROGER,  
Duly Authorised Officer  
of the Corporation.

## SCHEDULE

No. on the Map	Extent, Description and situation of the land
I	ALL and WHOLE that area of land at Wester Dullatur lying to the North and West of the Trunk Road from Glasgow to Stirling in the Parish of Cumbernauld and County of Dumbarton extending to thirty eight acres or thereby, all as the said area of land is numbered "1" and shown delineated and coloured blue on the said map signed and sealed with reference to the Cumbernauld Development Corporation (North Western Extension) (No. III) Compulsory Purchase Order 1972.