EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under section 42 (5) of the Town and Country Planning (Scotland) Act, 1959, prescribes the limit of annual value of hereditaments for the purposes of section 38 (which relates to the obligation of authorities to purchase interests of owner-occupiers affected by planning proposals).

SUPPLEMENTAL

1959 No. 1363 (S. 81)

The Town and Country Planning (Prescribed Forms of Notices) (Scotland) Regulations, 1959

Made - - - -	*7th August*, 1959
Laid before Parliament	13*th August*, 1959
Coming into Operation	16*th August*, 1959

In exercise of the powers conferred on me by subsection (2) of section 52 of the Town and Country Planning (Scotland) Act, 1959(**a**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Town and Country Planning (Prescribed Forms of Notices) (Scotland) Regulations, 1959, and shall come into operation on the 16th day of August, 1959.

(2) The Interpretation Act, 1889(**b**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The forms set out in the Schedule hereto or forms substantially to the like effect are the prescribed forms of notice for the purposes of subsection (2) of section 14, subsection (2) of section 16, subsection (2) of section 20, subsection (3) of section 21, subsection (3) of section 22 ~~and subsection (2) of section 38~~ respectively ~~and of counter notice for the purposes of subsection (1) of section 39~~ of the Town and Country Planning (Scotland) Act, 1959.

Dated this 7th day of August, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 7 & 8 Eliz. 2. c. 70. (b) 52 & 53 Vict. c. 63.

SCHEDULE

FORM 1
S. 14 (2)

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Sections 14 and 15

NOTICE OF INTENTION TO PROCEED WITH COMPULSORY ACQUISITION OF LAND

TO (*a*) .....

THE (*b*).....

in compliance with the provisions of section 14 (2) of the Town and Country Planning (Scotland) Act, 1959, HEREBY GIVE YOU NOTICE that they intend to proceed with the compulsory acquisition of the (*c*)..... interest in the land specified in the Schedule hereto which land was the subject of a notice to treat served on (*d*).....at (*e*)..... on the.....day of.....19..... in pursuance of the (*f*).....

DATED this.....day of.....19.....

.....

(Signature and designation of authorised officer.)

(*a*) Insert name and address of addressee.

(*b*) Insert name of acquiring authority.

(*c*) Insert dature of interest to be acquired.

(*d*) Insert name of person on whom the original notice to treat was served.

(*e*) Insert address of service.

(*f*) Insert reference to the authorisation.

SCHEDULE

The land above referred to

Explanation of the provisions of sections 14 *and* 15 *of the Town and Country Planning* (*Scotland*) *Act*, 1959

1. Section 14 requires a public authority having powers of compulsory purchase and intending to proceed with the compulsory purchase of land in respect of which a notice to treat was served before 13th August, 1947, to serve a notice in the above form before the end of the period of six months beginning with the commencement of the Act, which was 16th August, 1959.

2. The notice to treat will cease to have effect if within one year from the date of the service of this present notice, the amont of the compensation has not been agreed and no proceedings have been begun for the determination of any question relating to that compensation but this does not apply if the authority have taken possession of the land.

3. The service of this present notice does not affect any question as to the validity of the original notice to treat.

4.—(i) As regards your *COMPENSATION*

You may choose to have your compensation calculated as if the notice to treat had been served on 1st January, 1958. If you do so choose, you must say so in a notice of claim. The particulars required are set out in section 5 (2) of the Acquisition of Land (Assessment of Compensation) Act, 1919. The claim must be served on the acquiring authority *within six months of the date of service of this notice.* If you do not choose to have your compensation calculated as above it will be calculated on the basis applicable at the date of the actual service of the notice to treat.

A Form of claim is { *attached* / *obtainable from the acquiring authority* / *obtainable from Her Majesty's Stationery Office and any law stationers*

(ii) This right of choice is *not* available if you bought your interest in the land or otherwise acquired it for valuable consideration after the date on which the notice to treat was served, or if you derive your title to it from someone who so acquired it after that date.

(iii) If, after you have made a claim as in (i) above, the authority decide not to proceed with the purchase and withdraw the notice to treat, you will be entitled to recover from them any loss or expenses referred to in section 5 (2) of the Acquisition of Land (Assessment of Compensation) Act, 1919 (i.e. loss or expenses occasioned by the notice to treat having been given and withdrawn) incurred *after* the service of this notice and also reasonable expenses incurred *before* the service of this notice in preparing and supporting your compensation claim.

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959 FORM 2 S. 16 (2)

Section 16

NOTICE OF INTENTION TO PROCEED WITH COMPULSORY ACQUISITION OF LAND

TO (*a*) .....

THE (*b*).....

in compliance with the provisions of section 16 (2) of the Town and Country Planning (Scotland) Act, 1959, HEREBY GIVE YOU NOTICE that having on the.....day of.....19..... entered upon and taken possession of the land specified in the Schedule hereto, which land was the subject of a notice to treat served on (*c*).....at (*d*)..... on the.....day of.....19..... in pursuance of the (*e*).....they intend to proceed with the compulsory acquisition of the (*f*).....interest in such land.

DATED this.....day of.....19.....

.....

(Signature and designation of authorised officer.)

(*a*) Insert name and address of addressee.

(*b*) Insert name of acquiring authority.

(*c*) Insert name of person on whom the original notice to treat was served.

(*d*) Insert address of service.

(*e*) Insert reference to authorisation.

(*f*) State nature of interest to be acquired.

SCHEDULE

The land above referred to

Explanation of the provisions of section 16 *of the Town and Country Planning (Scotland) Act,* 1959 *and of section* 15 *as applied by those provisions*

The effect of the service of the foregoing notice under section 16 of the Act, is to bring into force the provisions of section 15 of the Act. Under this section—

As regards your *COMPENSATION*

(1) You may choose to have your compensation calculated as if the notice to treat had been served on 1st January, 1958. If you do so choose, you must say so in a notice of claim. The particulars required are set out in section 5 (2) of the Acquisition of Land (Assessment of Compensation) Act, 1919. The claim must be served on the acquiring authority *within six months of the date of service of this notice.* If you do not choose to have your compensation calculated as above it will be calculated on the basis applicable at the date of the actual service of the notice to treat.

A Form of claim is { *attached* / *obtainable from the acquiring authority* / *obtainable from Her Majesty's Stationery Office and any law stationers.* }

(2) This right of choice is *not* available if you bought your interest in the land or otherwise acquired it for valuable consideration after the date on which the notice to treat was served, or if you derive your title to it from someone who so acquired it after that date.

FORM 3
S. 20 (2)

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959

Section 20

NOTICE OF THE GRANTING OF PLANNING PERMISSION FOR ADDITIONAL DEVELOPMENT

(a) Insert name and address of addressee.

TO (*a*) .....

(b) Insert name of acquiring authority.

THIS NOTICE is given by (*b*).....

in compliance with the provisions of section 20 (2) of the Town and Country Planning (Scotland) Act, 1959, as respects the land specified in the First Schedule hereto (which land was acquired by this authority on the (*c*).....

(c) Insert date of completion.

.....day of.....19.....).

TAKE NOTICE that the additional development specified in the second schedule hereto has been permitted* [subject to the conditions therein set out], and that the date of such permission for the purposes of section 18 of the Act is the (*d*).....day of.....19.....

(d) Insert date of decision on planning application, whether or not there was an appeal.

DATED this.....day of.....19.....

.....

(Signature and designation of authorised officer.)

FIRST SCHEDULE

The land above referred to

SECOND SCHEDULE

Particulars of the planning permission

*[(including conditions imposed thereby)]

(e) If land other than that in the First Schedule is also covered by the permission, particulars of the extent of the permission should be given.

(*e*).....

NOTE: THIS MAY ENTITLE YOU TO ADDITIONAL *[COMPENSATION UNDER SECTION 18] [CONSIDERATION UNDER SECTION 19] OF THE ACT.

* Omit words in square brackets where inappropriate.

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959 FORM 4 S. 21 (3)

Section 21

NOTICE OF PROPOSAL TO CARRY OUT DEVELOPMENT UNDER PLANNING PERMISSION GRANTED OTHERWISE THAN ON AN APPLICATION

TO (*a*) .....

THIS NOTICE is given by (*b*).....

in compliance with the provisions of section 21 (3) of the Town and Country Planning (Scotland) Act, 1959, as respects the land specified in the First Schedule hereto (which land was compulsorily acquired by this authority on the (*c*).....day of.....19.....).

TAKE NOTICE of a proposal for the additional development specified in the Second Schedule hereto. Planning permission for this development is, under section 21, to be taken as having been given on the (*d*).....day of .....19.....

(*a*) Insert name and address of addressee.

(*b*) Insert name of acquiring authority.

(*c*) Insert date of completion.

(*d*) Insert date appropriate under s. 21.

DATED this.....day of.....19.....

.....

(Signature and designation of authorised officer.)

FIRST SCHEDULE

The land above referred to

SECOND SCHEDULE

Particulars of development

NOTE: THIS PROPOSAL MAY ENTITLE YOU TO ADDITIONAL *[COMPENSATION UNDER SECTIONS 18 AND 21] [CONSIDERATION UNDER SECTIONS 19 AND 21] OF THE ACT.

* Omit words in square brackets where inappropriate.

FORM 5
S. 22 (3)

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959
Section 22

NOTICE OF PROPOSAL TO CARRY OUT CROWN DEVELOPMENT

(*a*) Insert name and address of addressee.

TO (*a*) .....

(*b*) Insert name of acquiring authority.

THIS NOTICE is given by (*b*)..... in compliance with the provisions of section 22 (3) of the Town and Country Planning (Scotland) Act, 1959, as respects the land specified in the First Schedule hereto (which land was compulsorily acquired by this authority on the

(*c*) Insert date of completion.

(*c*).....day of.....19.....).

TAKE NOTICE of a proposal for the additional development specified in the Second Schedule hereto. Planning permission for this development is, for the purposes of sections 18 and 20 of the Act, to be taken as having been given

(*d*) Insert date appropriate under s. 22 (1).

on the (*d*).....day of.....19.....

DATED this.....day of.....19.....

.....

(Signature and designation of authorised officer.)

FIRST SCHEDULE

The land above referred to

SECOND SCHEDULE

Particulars of development

NOTE: THIS PROPOSAL MAY ENTITLE YOU TO ADDITIONAL *[COMPENSATION UNDER SECTIONS 18 AND 22] [CONSIDERATION UNDER SECTIONS 19 AND 22] OF THE ACT.

* Omit words in square brackets where inappropriate.

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959 FORM 6 S. 38 (2)
Section 38

NOTICE REQUIRING AN AUTHORITY TO PURCHASE AN INTEREST IN LAND

TO (*a*) ..... (*a*) Insert name of authority served.
at (*b*)..... (*b*) Insert principal address of authority.
*I/WE (*c*)..... (*c*) Insert full names and address(es) of person(s) or company etc. serving this notice.

pursuant to the provisions of section 38 (2) of the Town and Country Planning (Scotland) Act, 1959, HEREBY GIVE YOU NOTICE:—

1. *I am/We are entitled to an interest set out in the First Schedule hereto in the *hereditament/agricultural unit described in the Second Schedule hereto.

2. *The/Part of the *hereditament/agricultural unit has been included in land falling within paragraph (...) (*d*) of subsection (1) of section 38 of the Act. (*d*) Insert which paragraph.

3. Since then, *I/we have made reasonable endeavours to sell *my/our interest but *I/we have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the *hereditament/agricultural unit were so included. (*e*)

4. *My/Our interest qualifies for protection under Part IV of the Act because (*e*) Particulars of the steps taken to sell the land should be given below or separately.

*EITHER (*f*) (*f*) Whichever is appropriate of these alternatives should form part of this notice.

the annual value of the hereditament does not exceed the prescribed limit of annual value and *my/our interest is that of owner-occupier(s) of the hereditament within the meaning of subsection (2) of section 42.

*OR (*f*)

*my/our interest is that of resident owner-occupier(s) of the hereditament within the meaning of subsection (4) of section 42.

*OR (*f*)

*my/our interest is that of owner-occupier(s) of the agricultural unit within the meaning of subsection (3) of section 42.

5. *I/We therefore require you to purchase *my/our interest in the *hereditament/agricultural unit in so far as it is included in the land referred to in paragraph 2 of this notice.

Signed.....
Address .....
.....
*on behalf of .....
Date.....

* Delete where inappropriate.

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any heritable creditors and a note of any other incumbrances thereon.

SECOND SCHEDULE

Particulars of the *hereditament / agricultural unit (*g*)

(*g*) A plan should be attached if necessary to identify the land.

Here or in an accompanying letter should be given particulars, including dates, of the endeavours made to sell the *hereditament / agricultural unit and of the price asked and of any offers received for it.

* Delete where inappropriate.

FORM 7
S. 39 (1)

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1959
Section 39

COUNTER-NOTICE UNDER SECTION 39 (1)
OBJECTING TO NOTICE SERVED UNDER SECTION 38 (2)

(*a*) Insert name and address of addressee.

TO (*a*) .....

(*b*) Insert name of authority.

THE (*b*).....

HEREBY GIVE YOU NOTICE under section 39 (1) of the Town and Country Planning (Scotland) Act, 1959, that they OBJECT to the notice served by you on the.....day of.....19..., under section 38 (2) of the Act in respect of the *hereditament / agricultural unit described as (*c*).

(*c*) Insert particulars.

(*d*) These should include a reference to the relevant paragraph(s) of s. 39(2).

The grounds (*d*) on which objection is taken are—

DATED this.....day of.....19....

.....
(Signature and designation of authorised officer.)

* Delete where inappropriate.

NOTE: If you do not accept this objection, you may under section 40 of the Act require the objection to be referred to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919. In that case you should notify the authority serving this notice and the Secretary to the Reference Committee for Scotland, Parliament House, Edinburgh, within two months from the date of service of this notice.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations made under section 52 of the Town and Country Planning (Scotland) Act, 1959, prescribe the forms of notices required for the purposes of the following subsections of the Act, namely—subsection (2) of section 14 and subsection (2) of section 16 (which relate to long standing notices to treat); subsection (2) of section 20, subsection (3) of section 21 and subsection (3) of section 22 (which relate to additional development of land which has been acquired by authorities possessing compulsory purchase powers); and subsection (2) of section 38 and subsection (1) of section 39 (which relate to the obligation of authorities to purchase interests of owner-occupiers affected by planning proposals). They also prescribe the forms of explanation of certain sections of the Act required by the Act to be given with the notices under subsection (2) of section 14 and subsection (2) of section 16 of the Act.

TRADE MARKS

1959 No. 1925

The Trade Marks (Amendment) Rules, 1959

Made - - - -	*16th November,* 1959
Laid before Parliament	*20th November,* 1959
Coming into Operation	*22nd February,* 1960

Whereas, in accordance with the requirements of subsection (3) of section 40 of the Trade Marks Act, 1938(a), the Board of Trade have published notice of their intention to make the following Rules and of the place where copies of the draft Rules may be obtained by advertising such notice in the Trade Marks Journal and the Official Journal (Patents) on the 23rd day of September, 1959, being the manner which the Board considered most expedient so as to enable persons affected to make representations to the Board before the Rules were finally settled:

And whereas, in accordance with the requirements of section 8 of the Tribunals and Inquiries Act, 1958(b), the Board have consulted with the Council on Tribunals:

Now, therefore, the Board of Trade, in pursuance of the powers conferred on them by the said section 40 and all other powers enabling them in that behalf, hereby make the following Rules:—

1. The Trade Marks Rules, 1938 to 1956(c), shall have effect subject to the amendment that after Rule 118 there shall be inserted the following Rule:—

"118A. The hearing before the Registrar of any dispute between two or more parties relating to any matter in connection with a registered

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(a) 1 & 2 Geo. 6. c. 22. (b) 6 & 7 Eliz. 2. c. 66.
(c) S.R. & O. 1938/661 (Rev. XXIII, p. 3: 1938 II, p. 3257), S.I. 1955/461. 1956/1844 (1955 II, p. 2677; 1956 II, p. 2385).