

## **Warning:**

1. If in doubt about the effect of this Notice, consult the acquiring authority or a solicitor
2. information on the rights to compensation payable and on any time, limits may be obtained from the acquiring authority

## **The Housing (Scotland) Act 1987**

## **The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947**

## **The North Ayrshire Council (2 Montgomerie Road, Saltcoats) Compulsory Purchase Order 2022**

1. Notice is hereby given that the Scottish Ministers in exercise of the powers conferred by Sections 124 of the Housing (Scotland) Act 1987 have confirmed The North Ayrshire Council (2 Montgomerie Road, Saltcoats) Compulsory Purchase Order 2022 submitted by The North Ayrshire Council (hereinafter referred to as “the acquiring authority”).
2. The Order as confirmed provides for the purchase for the purpose of recovering demolition costs of a house (now demolished) on the land described in the Schedule hereto.
3. A copy of the Order as confirmed, and the map referred to therein have been deposited online on our [compulsory purchase order page](#) and may be seen there without payment of fee and at all times.
4. A copy of the Order and of the map referred to therein have been deposited at Saltcoats Library, 32 Springvale Place, Saltcoats, KA21 5LS and may be seen there without payment of fee between the hours of:-  
10.00 am to 1.00 pm and 2.00 pm to 4.00 pm on Mondays and Thursdays; 12.00 pm to 6.00 pm on Tuesdays; 10.00 am to 12.00 pm on Wednesdays and Saturdays; and 10.00 am to 1.00 pm on Fridays.
5. The Order as confirmed becomes operative on 4 May 2023 being the date on which this notice is first published; but a person aggrieved by the Order may, in accordance with the provisions of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session within 6 weeks from that date, question its validity on the grounds (i) that the authorisation granted by the Order is not empowered to be granted or (ii) that the applicant’s interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the Order.
6.
  - (1) The acquiring authority may acquire the land to which this notice relates by making a General Vesting Declaration under section 195 of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as “the Planning Act”). Such a Declaration shall not be executed before the end of the period of two months beginning with the date of the first publication of this notice except with the consent of every occupier of the land affected.
  - (2) The effect of the making of such a Declaration is to vest the land in the acquiring authority at the end such period as may be specified in the Declaration but which will not be less than twenty-eight days from the date on which the service of notices required by paragraph 4 of Schedule 15 to the Planning Act is completed. These notices shall specify the land and state the effect of the Declaration and shall be served on every occupier of any of the land specified in the Declaration (other than

land in which there subsists a short tenancy or a long tenancy which is about to expire as hereinafter defined) and on every other person who has given information to the acquiring authority with respect to any of the land to which this notice relates in pursuance of the invitation published and included in this notice.

(3) The effect of a General Vesting Declaration is as follows:-

At the end of the aforesaid period specified in the Declaration the land specified in the Declaration, together with the right to enter upon and take possession of it, shall vest in the acquiring authority and on being registered in the Land Register of Scotland the declaration shall have the same effect as a conveyance registered in accordance with section 80 of the Lands Clauses Consolidation (Scotland) Act 1845. Also on the date of vesting, the Acts providing for compensation shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 17 of the said Act of 1845, the acquiring authority could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the date of vesting and any person entitled to a short tenancy or a long tenancy which is about to expire).

(4) Where any land specified in the declaration is land in which there subsists a short tenancy or a long tenancy which is about to expire the right of entry shall not be exercisable in respect of that land unless, after serving notice to treat in respect of that tenancy, the acquiring authority has served on every occupier of any land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired. The vesting of the land in the acquiring authority shall be subject to the tenancy until that period expires or the tenancy comes to an end whichever first occurs.

(5) Paragraph 38 of Schedule 15 to the Planning Act defines “short tenancy” and “long tenancy which is about to expire” as follows:-

“Short tenancy” means a tenancy for a year or from year to year or any lesser interest and “long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a short tenancy, but having at the date of the declaration a period still to run which is not more than the specified period (that is to say, such period longer than one year as may be specified in the declaration in relation to the land in which the tenancy subsists). In determining what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed-

- a) that the tenant will exercise any option to renew the tenancy and will not exercise any option to terminate the tenancy then or thereafter available to the tenant; and
- b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to the tenant

7. Persons entitled to claim compensation in respect of any interest in the land in respect of which a notice to treat has not been given are invited to give information with respect to their name and address and the land and their interest therein on the prescribed form (Form 9), a copy of which is available at Saltcoats Library or will be sent by the acquiring authority on application to: The North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE (marked for the attention of Senior Manager (Legal Services) or [emailing our legal postbox](#)).



Signature of Proper Officer

Dated: 18 April 2023

### **Schedule**

Area of ground forming the site of 2 Montgomerie Road, Saltcoats (now demolished) extending to 114.27 square metres or thereby.