

## SCHEDULES

### SCHEDULE 2

#### ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

- 1 (1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition, being—
- (a) an acquisition under Part III of the Town and Country Planning (Scotland) Act 1947, or
  - (b) an acquisition under section 13 of the Housing and Town Development (Scotland) Act 1957, or
  - (c) an acquisition in pursuance of Part IV of the Town and Country Planning (Scotland) Act 1959, or
  - (d) an acquisition of land within the area designated by an order under section 1 of the New Towns Act 1946 as the site of a new town, or
  - (e) an acquisition by a development corporation or a local highway authority or the Secretary of State under the New Towns Act 1946 or under any enactment as applied by any provision of that Act,
- and being (in any such case) an acquisition where the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation.
- (2) The local authority may make and submit to the Secretary of State an order, in such form as may be prescribed by regulations made under section 172 of the Act of 1950, declaring the house to be in the state referred to in the preceding sub-paragraph; and if—
- (a) that order is confirmed by the Secretary of State, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
  - (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section 17 of the Town and Country Planning (Scotland) Act 1947 or the provisions of that section as applied by or under any other enactment or in consequence of the service of a notice under section 6(4) of the New Towns Act 1946 or under Part IV of the Town and Country Planning (Scotland) Act 1959, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Secretary of State,
- the provisions of section 36(2) of the Act of 1950, and the provisions of section 40 of that Act as read with section 20 of the Housing and Town Development (Scotland) Act 1957 (which relate to certain payments in respect of houses purchased or demolished under the Act of 1950) shall apply as if the house had been purchased under Part III of the Act of 1950 as being in the state referred to in the preceding sub-paragraph, and as if any reference in those sections to the local authority were a reference to the acquiring authority.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) Before submitting to the Secretary of State an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on the superior of, and the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.
- (4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (5) Section 24 of the Housing (Scotland) Act 1962 shall have effect in determining for the purposes of this paragraph whether a house is unfit for human habitation as it has effect in so determining for the purposes of the Act of 1950.
- (6) In this paragraph " appropriate local authority " means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part III of the Act of 1950 relating to clearance areas; and " owner," in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years.