

Status: Point in time view as at 01/09/2009.

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: Validity and date of operation of compulsory purchase orders and certificates. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITIONS

PART V

Validity and date of operation of compulsory purchase orders and certificates

- 14 If any person aggrieved by a compulsory purchase order, or by a certificate under paragraph 13 above, desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within six weeks from the date on which notice of the confirmation or making of the order or of the giving of the certificate is first published in accordance with the provisions of this Schedule in that behalf, make an application to the Court of Session; and on any such application the Court—
- (a) may by interim order suspend the operation of the order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that the order or any provision contained therein, or the certificate, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.
- 15 Subject to the provisions of paragraph 14 above, a compulsory purchase order or a certificate under paragraph 13 above shall not, either before or after it has been made or confirmed or given, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in the said paragraph 14.
- 16 This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section 2(4) or 6 of the ^{M1}Statutory Orders (Special Procedure) Act 1945 but, except as aforesaid, shall have effect in relation to a compulsory purchase order to which that Act applies as if in paragraph 14 for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Schedule in that behalf there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and as if in paragraph 15 the words from “and shall become operative” to the end were omitted.

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Marginal Citations

M1 1945 c. 18 (9 & 10 Geo. 6)(89).

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