

Status: Point in time view as at 25/09/1991.

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: The Lands Clauses Acts. (See end of Document for details)

SCHEDULES

SCHEDULE 6 **S**

MODIFICATIONS OF ENACTMENTS FOR PURPOSES OF THIS ACT

PART I **S**

The Lands Clauses Acts

- 1 (1) The following sections of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845 (hereafter in this Schedule referred to as “the Act of 1845”) shall be excepted from incorporation with this Act, that is to say—
- (a) sections 120 to 124 (sale of superfluous land);
 - (b) section 127 (promoters to make good deficiencies in land tax and rates); and
 - (c) sections 142 and 143 (access to the special Act).
- (2) In construing the Lands Clauses Acts and the ^{M2}Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act—
- (a) this Act or, in relation to a compulsory acquisition, this Act and the compulsory purchase order, shall be deemed to be the special Act;
 - (b) in relation to a compulsory acquisition, references to the promoters of the undertaking or to the railway company shall be construed as references to the acquiring authority;
 - (c) references to the execution of the works or to the construction of the railway shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by this Act;
 - (d) in relation to any erection, construction or carrying out of any building or works so authorised, references in section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 (compensation for injurious affection) to the railway company shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and
 - (e) references to the execution of the works or to the construction of the railway shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of the Secretary of State on land acquired by him under section 8 of this Act, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

Marginal Citations

M1 1845 c. 19(28:2).

M2 1845 c. 33(102).

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- 2 For the purposes of section 116 of the Act of 1845 (powers of compulsory purchase not to be exercised after the expiration of the prescribed period) the prescribed period shall, in relation to any acquisition, be three years from the coming into operation of the compulsory purchase order.
- 3 The acquiring authority shall, without prejudice to any power in that behalf exercisable by them apart from this paragraph, be entitled, notwithstanding anything in section 17 of the Act of 1845 or in any other provision of the Lands Clauses Acts, to acquire one or some of two or more interests subsisting in the land without acquiring the other interest or interests subsisting therein.
- 4 (1) If the acquiring authority have, in respect of any of the land, served notice to treat on every owner of that land, they may at any time thereafter serve a notice—
- (a) on every occupier of any of that land, and
 - (b) on every person (other than such an occupier) who, having been served with a notice to treat in respect of that land, has requested the acquiring authority in writing to serve him with any notice under this sub-paragraph and has furnished them with an address for service thereof,
- describing the land to which the notice relates and stating their intention to enter on and take possession thereof at the expiration of such period (not being less than 28 days from the date on which the notice is served) as may be specified in the notice.
- (2) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, of the last of those periods to expire), or at any time thereafter, the acquiring authority may enter on and take possession of the land to which the notice or notices relate without previous consent or compliance with sections 83 to 88 of the Act of 1845, but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as they would have been required to pay if those provisions had been complied with.

Modifications etc. (not altering text)

- C1** Para. 4 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34, SIF 2:1\)](#), s. 14(3), Sch. 4 paras. 4, 5 and [Land Compensation \(Scotland\) Act 1973 \(c. 56, SIF 28:2\)](#), s. 53(2)
- C2** Sch. 6, para. 4 modified (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 57(4), 89(2), **Sch. 8 para. 6(d)**(with s. 45(3), Sch. 12 para. 3)

- 5 (1) The provisions of this paragraph shall have effect in substitution for the provisions of section 90 of the Act of 1845.
- (2) No person shall be required to sell a part only—
- (a) of any house, building or manufactory, or
 - (b) of a park or garden belonging to a house,
- if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbiter determines that—
- (i) in the case of a house, building or manufactory, the part proposed to be acquired can be taken without material detriment to the house, building or manufactory, or
 - (ii) in the case of a park or garden, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house,

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and, if he so determines, he shall award compensation in respect of any loss due to the severance of the part proposed to be acquired, in addition to its value: and thereupon the party interested shall be required to sell to the acquiring authority that part of the house, building, manufactory, park or garden.

- 6 Notices required to be served by the acquiring authority may, notwithstanding anything in section 18 of the Act of 1845, be served and addressed in the manner specified in section 45 of this Act in relation to notices required to be served under this Act.

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