
EXPLANATORY NOTE

(This Note does not form part of the Regulations)

These Regulations replace and update the Compulsory Purchase of Land (Scotland) Regulations 1976 (S.I.1976/820) which are revoked. The Regulations prescribe the forms in which compulsory purchase orders and general vesting declarations shall be made and also the notices, advertisements and other documents required in connection therewith.

The Regulations update the various statutory references to those currently in force and omit obsolete material relating to the repealed Community Land Act 1975. The Regulations also amend the forms of compulsory purchase order, notices and general vesting declaration to take account of changes to compulsory purchase procedure made by sections 106 and 109 of the Title Conditions (Scotland) Act 2003. The principal changes are—

- (a) to amend the form of compulsory purchase order to make provision for the possibility that such an order may not extinguish real burdens and servitudes, or certain rights to enforce the same, or may not disapply a development management scheme. These possibilities are envisaged by section 106(1) and (2) of the Title Conditions (Scotland) Act 2003;
- (b) to amend the various forms of notice to be given under paragraph 3(b) of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to take account of the amendments made to that paragraph by section 109 of the Title Conditions (Scotland) Act 2003;
- (c) to remove references to the Community Land Act 1975 and to replace references to the Town and Country Planning (Scotland) Act 1972 with references to the Town and Country Planning (Scotland) Act 1997 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as appropriate.