

Status: Point in time view as at 01/04/1992.

Changes to legislation: There are currently no known outstanding effects for the Countryside (Scotland) Act 1967, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROVISIONS AS TO MAKING CONFIRMATION, COMING INTO OPERATION AND VALIDITY OF CERTAIN ORDERS

Modifications etc. (not altering text)

- C1** Sch. 3 extended by Post Office Act 1969 (c. 48), Sch. 4 para. 93(1)(xxvii) and Civil Aviation Act 1971 (c. 75), Sch. 5 para. 5(x)

PART II

VALIDITY AND DATE OF OPERATION OF ORDERS TO WHICH THIS SCHEDULE APPLIES

- 4 As soon as may be after an order to which this Schedule applies has been confirmed . . . ^{F1} by the Secretary of State [^{F2}or, in the case of an order which has effect under paragraph 2(1A) of this Schedule, has made by an authority], the [^{F3}body] by whom the order was made, . . . ^{F1} shall publish, in the manner required in relation to the class of order in question by paragraph 1(3) of this Schedule, a notice in the prescribed form describing the general effect of the order, stating that it has been confirmed or made, and naming a place where a copy thereof as confirmed or made may be inspected free of charge at all reasonable hours, and—

- (a) where under the said sub-paragraph (3) notice was required to be served, shall serve a like notice and a copy of the order as confirmed or made on any persons on whom notices were required to be served under that sub-paragraph; and
- (b) where under the said sub-paragraph (3) a notice was required to be displayed, shall cause a like notice to be displayed in the like manner as the notice required to be displayed under that sub-paragraph:

Provided that no such notice or copy need be served on a person unless he has sent to the [^{F3}body] . . . ^{F1} a request in that behalf specifying an address for service.

Textual Amendments

- F1** Words repealed by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), Sch. 4 Pt. I
- F2** Words inserted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), Sch. 3 para. 11(e)(ii)
- F3** Words in Sch. 3 para. 4 substituted (01.04.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(1), Sch. 10, para. 4(11)(b); S.I. 1991/2633, art.4.

- 5 If a person aggrieved by an order to which this Schedule applies desires to question the validity thereof, or of any provision contained therein, on the ground that it is

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not within the powers of this Act or on the ground that any requirement of this Act or of regulations made thereunder has not been complied with in relation thereto, he may, within six weeks from the date on which the notice required by the last foregoing paragraph is first published, make an application for the purpose to the Court of Session.

- 6 On any such application as aforesaid, the Court—
- (a) may by interim order suspend the operation of the order, or of any provision contained therein, 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, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as aforesaid, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.
- 7 Subject to the provisions of the last foregoing paragraph, an order to which this Schedule applies shall not, either before or after it has been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 4 above is first published, or on such later date as may be specified in the order.
- 8 In relation to any order to which this Schedule applies, being an order which is subject to special parliamentary procedure, the foregoing provisions of this Schedule shall have effect subject to the following modifications—
- (a) if the order is confirmed by Act of Parliament under section six of the ^{M1}Statutory Orders (Special Procedure) Act 1945, paragraphs 5 to 7 shall not apply; and
 - (b) in any other case, paragraph 5 shall have effect as if, for the reference therein to the date on which the notice required by paragraph 4 is first published, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and paragraph 7 shall have effect as if the words from “and shall become operative” to the end of the paragraph were omitted.

Marginal Citations

M1 1945 c. 18.

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