

SCHEDULES

SCHEDULE 1

Section 1.

PROCEDURE FOR DESIGNATING SITE OF NEW TOWN

Making of orders under section 1

- 1 (1) Where the Secretary of State proposes to make an order under section 1 of this Act, he shall prepare a draft of the order, describing the area to be designated as the site of the proposed new town by reference to a map, either with or without descriptive matter, together with such statement as he considers necessary for indicating the size and general character of the proposed new town.
- (2) In the case of any discrepancy between the map and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the draft order.

- 2 Before making the order the Secretary of State shall publish in the Edinburgh Gazette, in one or more newspapers circulating in the locality in which the proposed new town will be situated, and in such other newspapers, if any, as he considers appropriate in the circumstances, a notice—
- (a) describing the area to be designated as the site of the proposed new town;
 - (b) stating that the draft of an order under section 1 of this Act has been prepared by the Secretary of State in relation to that area and is about to be considered by him;
 - (c) naming a place within that area where a copy of the draft order (including any map or descriptive matter annexed thereto) and of the statement required by paragraph 1 above may be seen at any reasonable hour; and
 - (d) specifying the time (not being less than 28 days from the publication of the notice in the Gazette) within which, and the manner in which, objections to the proposed order may be made;

and shall, not later than the date on which the notice is published in the Gazette, serve a like notice on the council of the county or on the town council of the burgh in which the land, or any part of the land, to which the order relates is situated, and on any other local authority who appear to him to be concerned with the order.

- 3 If any objection is duly made to the proposed order and is not withdrawn, the Secretary of State shall, before making the order, cause a public local inquiry to be held with respect to the objection, and shall consider the report of the person by whom the inquiry was held.

- 4 Subject to the provisions of paragraph 3 above, the Secretary of State may make the order either in terms of the draft or subject to such modifications as he thinks fit:

Provided that, except with the consent of all persons interested, the Secretary of State shall not make the order subject to a modification including in the area designated as the site of the proposed new town any land not so designated in the draft order.

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

- 5 As soon as may be after an order has been made as aforesaid, the Secretary of State shall publish in the Edinburgh Gazette, in one or more newspapers circulating in the locality in which the proposed new town will be situated, and in such other newspapers, if any, as he considers appropriate in the circumstances, a notice stating that the order has been made and naming a place within the area designated by the order as the site of the proposed new town where a copy of the order may be seen at any reasonable hour, and shall serve a like notice—
- (a) on any local authority on whom notice of the proposed order was served under paragraph 2 above; and
 - (b) on any other person who has duly made an objection to the proposed order and, at the time of making it or thereafter, has sent to the Secretary of State a request in writing to serve him with the notice required by this paragraph, giving an address for service.

Validity and date of operation of orders under section 1

- 6 If any person aggrieved by an order under section 1 of this Act 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 has not been complied with in relation to the order, he may, within six weeks from the date on which notice of the making of the order 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, 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 any requirement of this Act not having been complied with, 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 paragraph 6 above, an order under section 1 of this Act shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in that paragraph.