

## SCHEDULES

### SCHEDULE 8

Sections 23, 28, 30.

#### PROCEDURE FOR DEALING WITH OBJECTIONS TO ORDERS UNDER SS 23, 28 AND 30

- 1 (1) In this Schedule “the relevant Minister” means—
  - (a) in relation to an order under section 23 of this Act, the Secretary of State;
  - (b) in relation to an order under section 28 of this Act, the Secretary of State and the appropriate Minister;
  - (c) in relation to an order under section 30 of this Act, the appropriate Minister.
- (2) In this Schedule any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification, if any, ought to be made.
- 2 Unless the relevant Minister decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the relevant Minister shall, before making a final decision, consider the grounds of the objection as set out in the statement comprised in or submitted with the objection, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- 3 In so far as the relevant Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with by the official arbiter in assessing compensation, the relevant Minister may treat the objection as irrelevant for the purpose of making a final decision.
- 4 If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the relevant Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the relevant Minister may make a final decision without further investigation as to those matters.
- 5 Subject to paragraphs 3 and 4 above, the relevant Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the relevant Minister; and if the objector avails himself of that opportunity, the relevant Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, development corporation or other person, if any, on whose representation the order is proposed to be made, and to any other persons to whom it appears to the relevant Minister to be expedient to afford such an opportunity.
- 6 Notwithstanding anything in the foregoing provisions of this Schedule, if it appears to the relevant Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an

*Status: Point in time view as at 22/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the  
New Towns (Scotland) Act 1968, SCHEDULE 8. (See end of Document for details)*

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inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

**Status:**

Point in time view as at 22/04/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, SCHEDULE 8.