



New Towns (Scotland) Act 1968

1968 CHAPTER 16

Acquisition of land by development corporations and highway authorities

10 Special procedure for acquisition of statutory undertakers' operational land

- (1) In the case of operational land of statutory undertakers—
 - (a) an order under section 7(1) of this Act authorising the compulsory acquisition of that land by a development corporation, or an order under section 8(1) of this Act authorising its compulsory acquisition by a local highway authority, may, instead of being made and confirmed as provided in the said section 7(1) or 8(1), as the case may be, be made by the Secretary of State and the appropriate Minister in accordance with the provisions of Part I of Schedule 4 to this Act on the application of that development corporation or local highway authority;
 - (b) an order under section 8(2) of this Act authorising the compulsory acquisition of that land by the Secretary of State may, instead of being made as provided in the said section 8(2), be made by the Secretary of State and the appropriate Minister in accordance with the provisions of Part II of the said Schedule 4 ;and in relation to a compulsory purchase order made as provided in paragraph (a) or (b) above the provisions of Parts IV and V of Schedule 3 to this Act shall apply accordingly subject, in the case of the said Part V, to the modifications set out in Part III of Schedule 4 to this Act.
- (2) If any objection to an application for a compulsory purchase order to be made in accordance with subsection (1)(a) above, or to a proposal to make such an order in accordance with subsection (1)(b) above, is duly made by any statutory undertakers , and any of the land to which the application or proposal relates is operational land of those undertakers, then, unless that objection is withdrawn, any order made on the application or proposal shall be subject to special parliamentary procedure.
- (3) Where a compulsory purchase order under section 7 or 8 of this Act, not being an order made as provided in subsection (1)(a) or (b) above, is submitted, or is proposed to be made, in accordance with Schedule 3 to this Act, and with respect to any land (being the whole or part of the land to which the order relates) statutory undertakers

Status: This is the original version (as it was originally enacted).

make to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made—

- (a) a representation that the first-mentioned land is operational land, and
- (b) a request for that land to be excluded from the order,

and it is determined that that land is operational land, then, subject to the following provisions of this section—

- (i) if that land constitutes the whole of the land to which the order relates, the order shall not be confirmed or not be made, as the case may be, and
- (ii) if that land forms part only of the land to which the order relates, the order shall be modified so as to exclude that land.

- (4) Where it is proposed to make an order under section 1 of this Act, any statutory undertakers may, with respect to any land within the area to be designated by the order as the site of the proposed new town, make to the appropriate Minister, in the prescribed form and within the time allowed for making objections to the order, a representation that that land is operational land.
- (5) Where a representation is made under subsection (4) above with respect to any land, the Secretary of State and the appropriate Minister may make an order, which shall be subject to special parliamentary procedure, declaring that it is expedient that that land should be subject to compulsory acquisition.
- (6) Where, in the case of a compulsory purchase order under section 7 of this Act, any land to which the order relates is within the area of a new town and is land in relation to which, apart from this subsection, subsection (3) above would apply, the said subsection (3) shall not apply in relation to that land—
 - (a) if no representation was made under subsection (4) above with respect thereto, or
 - (b) if an order under subsection (5) above has come into force with respect thereto.