



Town and Country Planning (Scotland) Act 1969

1969 CHAPTER 30

PART IV

ACQUISITION AND DISPOSAL OF LAND

Land acquisition by government departments and local authorities

28 Repeal of existing provisions for compulsory acquisition of land

Section 34 of the Act of 1947 (compulsory acquisition of designated land by Ministers, local authorities and statutory undertakers) and section 35 of that Act (compulsory acquisition by local authorities of land for development) shall cease to have effect, and section 47 of the Post Office Act 1953 shall cease to have effect so far as it authorises the Postmaster General to acquire land compulsorily ; and—

- (a) sections 29 and 30 below shall have effect instead of those sections; and
- (b) references in any other enactment to the designation in a development plan of land as land subject to compulsory acquisition and to land so designated shall cease to have effect.

29 Compulsory acquisition of land in connection with development and for other planning purposes

- (1) The Secretary of State may authorise a local authority to whom this section applies to acquire compulsorily any land within their area if he is satisfied—
 - (a) that the land is required in order to secure or assist the treatment as a whole, by development, redevelopment or improvement, or partly by one and partly by another method, of the land or of any area in which the land is situated; or
 - (b) that it is expedient in the public interest that the land should be held together with land so required ; or

Status: This is the original version (as it was originally enacted).

- (c) that the land is required for development or redevelopment, or both, as a whole for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the redevelopment or improvement, or both, of another area as a whole ; or
 - (d) that it is expedient to acquire the land immediately for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- (2) Where under subsection (1) above the Secretary of State has power to authorise a local authority to whom this section applies to acquire any land compulsorily, he may, after the requisite consultation, authorise the land to be so acquired by another authority, being a local authority within the meaning of the Act of 1947.
- (3) Before giving an authorisation under subsection (2) above, the Secretary of State shall—
- (a) where the land is in a county, consult with the county council;
 - (b) where the land is in a large burgh, consult with the town council;
 - (c) where the land is in a small burgh, consult with the town council and with the county council within whose area the burgh is situated.
- (4) The Acquisition Act 1947 shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.
- (5) The local authorities to whom this section applies are the councils of counties, large burghs and small burghs.

30 Compulsory acquisition of land by certain Ministers

- (1) The Minister of Public Building and Works may acquire compulsorily any land necessary for the public service.
- (2) The Postmaster General may acquire compulsorily any land required for the purposes of the Post Office as defined in section 87 of the Post Office Act 1953.
- (3) The power of acquiring land compulsorily under this section shall include power to acquire a servitude or other right over land by the grant of a new right :
- Provided that this subsection shall not apply to a servitude or other right over any land which would, for the purposes of the Acquisition Act 1947, form part of a common or open space.
- (4) The Acquisition Act 1947 shall apply to any compulsory acquisition by the Minister of Public Building and Works or the Postmaster General under this section as it applies to a compulsory acquisition by another Minister in a case falling within section 1(1) of that Act.

31 Power of authorities possessing compulsory purchase powers to make general vesting declarations

- (1) Schedule 2 to this Act shall have effect for the purpose of enabling any authority to whom this section applies to vest in themselves by a declaration land which they are authorised by a compulsory purchase order to acquire and, with respect to the effect

of such a declaration, the payment and recovery of sums in respect of compensation for the acquisition of land so vested and other matters connected therewith.

- (2) This section applies to any Minister or local or other public authority authorised to acquire land by means of a compulsory purchase order, and any such authority is in the said Schedule 2 referred to as an acquiring authority.

32 Compulsory purchase or appropriation of open spaces

- (1) In paragraph 11 of Schedule 1 to the Acquisition Act 1947 (which applies special parliamentary procedure in the case of compulsory purchase of land forming part of a common or open space, and is applied by section 39 of the Act of 1947 to appropriation of land by local authorities under that section), in sub-paragraph (1)(b) (exemption where land is required for widening of an existing highway and the Secretary of State certifies that it is unnecessary to give land in exchange), for the words " that the land is " there shall be substituted the words " that the land does not exceed 250 square yards in extent or is ".
- (2) Nothing in this section applies to or affects an order made before the commencement of this section.

33 Grounds on which Secretary of State may refuse to confirm purchase notice

- (1) This section shall have effect where, on an application for planning permission to develop any land which has a restricted use by virtue of a previous planning permission, permission is refused or granted subject to conditions and an owner of the land serves a purchase notice under section 17 of the Act of 1947.
- (2) For the purposes of this section, land is to be treated as having a restricted use by virtue of a previous planning permission if it is part of a larger area in respect of which planning permission was previously granted (and has not been revoked) and either—
 - (a) it remains a condition of the planning permission (however expressed) that that part shall remain undeveloped or be preserved or laid out in a particular way as amenity land in relation to the remainder; or
 - (b) the planning permission was granted on an application which contemplated (expressly or by necessary implication) that the part should not be comprised in the development for which planning permission was sought, or should be preserved or laid out as aforesaid.
- (3) If a copy of the purchase notice is transmitted to the Secretary of State under section 17(2) of the Act of 1947 (action to be taken by authority on whom a purchase notice is served, when they are unwilling to comply with the notice) the Secretary of State, although satisfied that the land has become incapable of reasonably beneficial use in its existing state, shall nevertheless not be required under that subsection to confirm the notice if it appears to him that the land ought, in accordance with the previous planning permission, to remain undeveloped or, as the case may be, remain or be preserved or laid out as amenity land in relation to the remainder of the larger area for which that planning permission was granted.