

Status: Point in time view as at 30/12/2002.

Changes to legislation: Gas Act 1986, Part III is up to date with all changes known to be in force on or before 28 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

ACQUISITION OF LAND BY PUBLIC GAS SUPPLIERS

PART III

PROCEDURE, COMPENSATION ETC. (SCOTLAND)

Modifications etc. (not altering text)

- C1** Sch. 3 Pt. III (ss. 14-29): Functions transferred (15.10.2000) to the Scottish Ministers by [S.I. 2000/3253](#), [arts. 1\(1\), 3](#), [Sch. 2](#)
- C2** Sch. 3 Pt. III (ss. 14-29) modified (14.12.2000) by [S.I. 2000/3253](#), [arts. 1\(2\), 2](#), [Sch. 1 para. 6](#)

Application of Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 generally

- 14 The ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory purchase by a [^{F1}public gas transporter] of land or rights in Scotland as if [^{F2}the transporter] were a local authority within the meaning of that Act, and as if this Act had been in force immediately before the commencement of that Act.

Textual Amendments

- F1** Words in Sch. 3 para. 14 substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 56\(a\)](#); [S.I. 1996/218](#), [art. 2](#)
- F2** Words in Sch. 3 para. 14 substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 56\(c\)](#); [S.I. 1996/218](#), [art. 2](#)

Marginal Citations

- M1** [1947 c. 42](#).

New rights: general application of Act of 1947 and incorporated enactments

- 15 The enactments incorporated with this Act by virtue of Part I of Schedule 2 to the said Act of 1947 and that Act shall have effect with the modifications necessary to make them apply to a [^{F3}public gas transporter's] compulsory acquisition of a right in Scotland by the creation of a new right as they apply to the compulsory acquisition of land, so that, in appropriate contexts, references in those enactments and that Act to land are to be read as referring, or as including references, to the right acquired or to be acquired, or to land over which the right is or is to be exercisable, according to the requirements of the particular context.

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Textual Amendments

- F3** Words in Sch. 3 para. 15 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 56(b)**; S.I. 1996/218, **art. 2**

New rights: specific adaptations of Act of 1947

- 16 Without prejudice to the generality of paragraph 15 above, Part III of Schedule 1 to the said Act of 1947 (requirement of special parliamentary procedure, and other special provisions, in the case of acquisition of certain descriptions of land) shall apply in relation to a [^{F4}public gas transporter’s] compulsory acquisition of a right in Scotland by the creation of a new right with the modifications specified in paragraphs 17 to 20 below.

Textual Amendments

- F4** Words in Sch. 3 para. 16 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 56(b)**; S.I. 1996/218, **art. 2**

- 17 In paragraph 9 of that Schedule (compulsory purchase affecting land of the National Trust for Scotland) for references to the compulsory purchase of land there shall be substituted references to the compulsory acquisition of rights over land.
- 18 In paragraph 10 of that Schedule (land of statutory undertakers)—
- (a) for the words “land comprised in the order” there shall be substituted the words “land over which a right is to be acquired by virtue of the order”;
 - (b) for the words “purchase of” there shall be substituted the words “acquisition of a right over”;
 - (c) for the words “it can be purchased and not replaced” there shall be substituted the words “the right can be acquired”; and
 - (d) for sub-paragraph (ii) there shall be substituted the following sub-paragraph—
 - “(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to, or available for acquisition by, them”.
- 19 In paragraph 11 of that Schedule (common or open space), for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common or open space, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
- (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before; or
 - (b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there

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is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order; or

- (c) that the land affected by the right to be acquired does not exceed 250 square yards in extent, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.”

F⁵20

Textual Amendments

F5 Sch. 3 para. 20 repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 8; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

- 21 Paragraph 10 above shall have effect in relation to the said Act of 1947 with the substitution of a reference to paragraph 3(1) of the Second Schedule to that Act for the reference to section 11 of the ^{M2}Compulsory Purchase Act 1965, and with the omission of the words from “and sections” to the end of the paragraph.

Marginal Citations

M2 1965 c. 56.

- 22 For paragraph 4 of the Second Schedule to the said Act of 1947 (protection for owner against severance of property) there shall be substituted the provisions substituted by paragraph 8 of this Schedule for section 8(1) of the said Act of 1965, and any reference in those provisions to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.

Restrictions on application of paragraphs 15 to 20 above

- 23 So much of paragraph 15 above as relates to the said Act of 1947, and paragraphs 16 to 20 above, shall not apply to any compulsory purchase to which, by virtue of section 12 or 13 of the ^{M3}Gas Act 1965, Part I of Schedule 4 to that Act applies.

Marginal Citations

M3 1965 c. 36.

New Rights: specific adaptations of Lands Clauses Consolidation (Scotland) Act 1845

- 24 For section 61 of the ^{M4}Lands Clauses Consolidation (Scotland) Act 1845 (estimation of compensation) there shall be substituted the following section—

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“61 In estimating the purchase money or compensation to be paid by the promoters of the undertaking in the Special Act, in any of the cases aforesaid, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the Special Act.”

Marginal Citations

M4 1845 c. 19.

- 25 The following provisions of that Act (being provisions stating the effect of a notarial instrument or of a disposition executed in various circumstances where there is no conveyance by persons with interests in the land)—
 section 74 (failure by owner to convey);
 section 76 (refusal to convey or show title or owner cannot be found);
 section 98 (vesting of common land),
 shall be so modified as to secure that, as against persons with interests in the land over which the right is to be compulsorily acquired such right is vested absolutely in the promoters of the undertaking.
- 26 Paragraph 11 above shall have effect in relation to that Act with the substitution of a reference to sections 114 and 115 thereof for the reference to section 20 of the ^{M5}Compulsory Purchase Act 1965.

Marginal Citations

M5 1965 c. 56.

- 27 Paragraph 12 above shall have effect in relation to that Act with the substitution of a reference to sections 117 and 118 thereof for any reference to section 22 of the said Act of 1965.

New rights: compensation

- 28 Paragraph 13 above shall have effect in relation to Scotland with the substitution of “Scotland” for “England and Wales”.
- 29 This Part of this Schedule shall extend to Scotland only.

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