

Status: Point in time view as at 27/05/1997.

Changes to legislation: Gas Act 1986, Cross Heading: New rights: specific adaptations of Act of 1947 is up to date with all changes known to be in force on or before 30 June 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](#)
- C1** Sch. 3 Pt. III (ss. 14-29) modified (14.12.2000) by [S.I. 2000/3253](#), [arts. 1\(2\), 2](#), [Sch. 1 para. 6](#)

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 [^{F1}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

- F1** 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

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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 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.”

- 20 In paragraph 12 of that Schedule, for the words “the purchase of” there shall be substituted the words “the acquisition of a right over”.

- 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 ^{M1}Compulsory Purchase Act 1965, and with the omission of the words from “and sections” to the end of the paragraph.

Marginal Citations

M1 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.

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