

Status: Point in time view as at 01/02/1991.

Changes to legislation: Housing (Scotland) Act 1987, Paragraph 9 is up to date with all changes known to be in force on or before 30 July 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 8

PART II

POWERS OF LOCAL AUTHORITY IN RELATION TO ACQUISITION OF LAND FOR HOUSING ACTION AREAS

Extinction of rights of way servitudes, etc.

- 9 (1) A local authority may, with the approval of the Secretary of State, by order extinguish any public right of way over any land purchased by them under Part IV or this Schedule or provide for the closing or diversion of any road in connection with the development of a housing action area.
- (2) An order made by a local authority under sub-paragraph (1) shall be made in the prescribed form and be published in the prescribed manner, and, if any objection thereto is made to the Secretary of State before the expiry of 2 months from its publication, the Secretary of State shall not approve the order until he has caused a public local inquiry to be held into the matter.
- (3) Where a local authority have resolved to purchase under Part IV or this Schedule land over which a public right of way exists, the authority may make and the Secretary of State may approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiry of such period after that date as may be specified in the order or as the Secretary of State in approving the order may direct.
- (4) Upon the completion by a local authority of the purchase by them of any land under Part IV or this Schedule, all private rights of way and all rights of laying down, erecting, continuing or maintaining any apparatus on, under or over that land, and all other rights or servitudes in or relating to that land, shall be extinguished, and any such apparatus shall vest in the authority; and any person who suffers loss by the extinction or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the authority compensation to be determined by the Lands Tribunal in accordance with the ^{M1}Land Compensation (Scotland) Act 1963:

Provided that this sub-paragraph shall not apply to any right vested in public undertakers of laying down, erecting, continuing or maintaining any apparatus or to any apparatus belonging to public undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.

Modifications etc. (not altering text)

- C1 Sch. 8 para. 9 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(8), Sch. 17 paras. 33, 35(1)

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C2 Sch. 8 para. 9 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(9)**; S.I. 1996/218, **art. 2**

Marginal Citations

M1 1963 c. 51.

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