



Harbours, Piers and Ferries (Scotland) Act 1937

1937 CHAPTER 28

PART I

TRANSFER OF HARBOURS, &C, TO LOCAL AUTHORITIES

2 Compulsory acquisition of marine work

- (1) Where a local authority are desirous of acquiring a marine work of which they could be authorised to accept a transfer under this Part of this Act and are unable to do so by agreement on terms which are in their opinion reasonable they may purchase the marine work compulsorily by means of a compulsory purchase order made by them and confirmed by the Secretary of State in accordance with the provisions of Part I of the First Schedule to this Act.
- (2) Any two or more councils who might combine for the purposes of a transfer to them of a marine work shall have the like power of combining for the purpose of the compulsory purchase of that marine work and may purchase the same compulsorily by means of such a compulsory purchase order as is mentioned in the foregoing subsection.
- (3) The provisions of Part II of the First Schedule to this Act shall have effect with regard to the validity and date of operation of compulsory purchase orders made under this section.
- (4) At any time within six weeks after the determination of any question of disputed compensation payable in respect of a marine work or of any interest therein in pursuance of a compulsory purchase order made under this section, the local authority may, unless they have exercised any power of entry on the marine work, withdraw any notice to treat served on any person interested in the marine work, and intimation of any such withdrawal shall be given forthwith by the local authority to the Secretary of State, and the compulsory purchase order shall thereupon cease to be operative.

Status: This is the original version (as it was originally enacted).

- (5) Where, in pursuance of the last foregoing subsection, a local authority withdraw a notice to treat, they shall be liable to pay to the person to whom such notice was given, and to any other person interested in the marine work, compensation for any expense properly incurred by him in connection with the making of the compulsory purchase order, or with his claim to compensation, and the amount of such compensation shall, in default of agreement, be determined in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.
- (6) No award of compensation in respect of a marine work or of any interest therein made in pursuance of a compulsory purchase order under this section shall be enforceable before the expiration of six weeks from the date of such award, and where, in pursuance of subsection (4) of this section, a notice to treat has been withdrawn, any award of compensation to the person on whom such notice was served shall cease to have effect.