

SCHEDULES.

FIRST SCHEDULE

Section 1.

PROCEDURE FOR AUTHORISING COMPULSORY PURCHASES.

PART I

Purchases by local authorities.

- 1 A compulsory purchase order authorising a compulsory purchase by a local authority (hereafter in this Schedule referred to as the "acquiring authority") in a case falling within subsection (1) of section one of this Act shall be made by the acquiring authority and submitted to and confirmed by the authority having power under the enactment in question to authorise the purchase (hereafter in this Schedule referred to as the "confirming authority") in accordance with the following provisions of this Schedule.
- 2 The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.
- 3 Before submitting the order to the confirming authority, the acquiring authority shall.—
 - (a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the order has been made and is about to be submitted for confirmation and the purpose for which the land is required, describing the land, naming a place within the locality where 'a copy of the order and the map referred to therein may be inspected, and specifying the time (not being less than twenty-one days from the first publication of the notice) within which and the manner in which objections to the order can be made ;
 - (b) serve on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form stating the effect of the order and that it is about to be submitted for confirmation, and specifying the time (not being less than twenty-one days from the service of the notice) within which and the manner in which objections thereto can be made.
- 4 (1) If no objection is duly made by any such person as aforesaid or if all objections so made are withdrawn, the confirming authority, on being satisfied that the proper notices have been published and served, may, if the authority think fit, confirm the order with or without modifications.

(2) If any objection duly made' as aforesaid is not withdrawn, the confirming authority shall, before confirming the order, either cause a' public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed

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by the confirming authority for the purpose, and after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may confirm the order either with or without modifications.

- (3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the confirming authority shall afford to the acquiring authority, and to any other persons to whom it appears to the confirming authority expedient to afford it, an opportunity of being heard on the same occasion.
- (4) Notwithstanding anything in the two last preceding sub-paragraphs, the confirming authority may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this paragraph if the confirming authority is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.
- 5 The order as confirmed by the confirming authority shall not, unless all persons interested consent, authorise the acquiring authority to purchase compulsorily any land which the order would not have authorised that authority so to purchase if it had been confirmed without modification.
- 6 As soon as may be after the order has been confirmed, the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form describing the land, stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected at all reasonable hours, and shall serve a like notice and a copy of the order as confirmed on any persons on whom notices with respect to the land comprised in the order were required to be served under paragraph 3 of this Schedule.

PART II

Purchases by Ministers.

- 7 (1) A compulsory purchase order authorising a compulsory purchase by a Minister in a case falling within subsection (1) of section one of this Act shall be prepared in draft and made by the Minister in accordance with the following provisions of this Schedule.
- (2) The order shall describe by reference to a map the land to which it applies.
- (3) Subject as aforesaid, the form of the order shall be such as the Minister may determine.
- (4) Paragraphs 3 to 6 of this Schedule shall have effect in relation to the order with the substitution, for references to the confirming authority and to the acquiring authority, of references to the Minister, and, for references to an order submitted and to the confirmation of an order, of references to an order as prepared in draft and to the making of an order, and with the omission in sub-paragraph (3) of paragraph 4 of the reference to the acquiring authority, so however that the publication and service or affixing of notices required by paragraph 3 shall be effected as soon as may be after the draft of the order has been prepared, and the provisions of that paragraph as to the notice thereby required shall apply subject to such modifications of the form of the notice as appear to the Minister to be requisite.

PART III

Special provisions as to certain descriptions of land.

- 8 The following provisions of this Part of this Schedule shall have effect in the case of land of the descriptions specified in subsection (2) of section one of this Act.
- 9 A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land which is the property of a local authority, or has been acquired by statutory undertakers, not being a local authority, for the purposes of their undertaking, or of land belonging to the National Trust for Scotland, which is held by the Trust inalienably, be subject to special parliamentary procedure in any case where an objection has been duly made by the local authority or the statutory undertakers or the National Trust for Scotland, as the case may be, and has not been withdrawn.
- 10 Where a compulsory purchase order has been submitted or prepared and the land comprised in the order includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made, the appropriate Minister is satisfied—
- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
 - (b) that an interest in any of the said land is held for those purposes,
- the compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- (i) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
 - (ii) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,
- and certifies accordingly.
- 11 (1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common or open space, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
- (a) that there has been or will be given in exchange for such land other land, not being less in area (unless the persons in whom the land was vested otherwise agree) and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or
 - (b) that the land, is required for the widening of an existing highway and that the giving in exchange of other land 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.
- (2) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall give public notice of his intention so to do, and—

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- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
- (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

he may, after considering representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

- 12 A compulsory purchase order, in so far as it authorises the purchase of land being, or being the site of, an ancient monument or other object of archaeological interest, shall be subject to special parliamentary procedure unless the Minister of Works certifies that the acquiring authority has entered into an undertaking with the Minister to observe such conditions as to the use of the land as in his opinion are requisite having regard to the nature thereof.
- 13 As soon as may be after the giving of a certificate under this Part of this Schedule, the local authority or Minister by whom the compulsory purchase order was submitted or prepared shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.
- 14 In the case of land falling within two or more of the preceding paragraphs of this Part of this Schedule, a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of the said paragraphs.

PART IV

Validity and date of operation of compulsory purchase orders.

- 15 (1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in subsection (1) of section one of this Act, or if any person aggrieved by a compulsory purchase order or a certificate under Part III of this Schedule desires to question the validity thereof on the ground that any requirement 61 this Act or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within six weeks from the date on which notice of the confirmation or making of the order or of the giving of the certificate is first published in accordance with the provisions of this Schedule in that behalf, make an application to the Court of Session, and on any such application the Court—
- (a) may by interim order suspend the operation of the compulsory purchase order or any provision contained therein, or of the , certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ;
 - (b) if satisfied that the authorisation granted by the compulsory purchase order is not empowered to be granted as aforesaid, or that the interests of the applicant have been substantially prejudiced by any requirement of this Schedule or of any regulation made thereunder not having been complied with, may quash the compulsory purchase order or any provision contained

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therein, or the certificate, either generally or in so far as it affects any property of the applicant.

- (2) Except by leave of the Court of Session, no appeal shall lie to the House of Lords from a decision of the Court of Session under the last foregoing sub-paragraph.
- 16 Subject to the provisions of the last foregoing paragraph a compulsory purchase order or a certificate under Part III of this Schedule shall not, either before or after it has been confirmed, made or given, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in the last foregoing paragraph.
- 17 This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under subsection (4) of section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, but, except as aforesaid, shall have effect in relation to a compulsory purchase order to which that Act applies as if in sub-paragraph (1) of paragraph 15 for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Schedule in that behalf there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in paragraph 16 the words from " and shall become operative " to the end were omitted.

PART V

General.

- 18 Anything required or authorised by this Schedule to be prescribed shall be prescribed by regulations made by the Secretary of State.
- 19 (1) Any notice or other document required or authorised to be served under this Schedule may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.
- (3) For the purposes of this paragraph and of section twenty-six of the Interpretation Act, 1889, the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body and in any other case be the last known address of the person to be served:
- Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.
- (4) If the Minister having jurisdiction to confirm or make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of " owner ", " lessee " or " occupier " of the land (describing it) to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom

it may be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

SECOND SCHEDULE

Section 1.

INCORPORATION OF ENACTMENTS.

PART I

The Lands Clauses Acts and the Railways Clauses Consolidation (Scotland) Act, 1845.

- 1 In relation to any compulsory purchase to which the provisions of the foregoing Schedule apply, the Lands Clauses Acts and section six of the Railways Clauses Consolidation (Scotland) Act, 1845, are hereby incorporated with the enactment under which the purchase is authorised; and in construing those Acts as so incorporated—
 - (a) the enactment under which the purchase is authorised and the compulsory purchase order shall be deemed to be the special Act;
 - (b) references to the promoters of the undertaking shall be construed as references to the authority authorised by the compulsory purchase order to purchase the land.
- 2 The following sections of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be excepted from incorporation as aforesaid, that is to say—
 - (a) sections one hundred and twenty to one hundred and twenty-five (which relate to the sale of superfluous land) ;
 - (b) in the case of a purchase under the Housing (Scotland) Acts, 1925 to 1935, and in any other case in which the compulsory purchase order so provides, section one hundred and twenty-seven (which relates to promoters making good deficiencies in land tax and rates) ; and
 - (c) sections one hundred and forty-two and one hundred and forty-three (which relate to access to the special Act).
- 3 (1) Where a local authority or Minister have been authorised in accordance with the provisions of section one of this Act to purchase any land compulsorily, then, at any time after serving notice to treat and after serving on the owner, lessee and occupier of the land not less than fourteen days' notice, the authority or Minister may enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

(2) Paragraph 19 of the foregoing Schedule shall apply to the service of notices under this paragraph.
- 4 The following provisions shall have effect in substitution for the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, that is to say, no person shall be required to sell a part only of any house, building or manufactory, or of a park or garden belonging to a house, if he is willing and able

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to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom the compensation is to be assessed determines that, in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the tribunal so determines, the tribunal shall award compensation in respect of any loss due to the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party-interested shall be required to sell to the acquiring authority that part of the house, building, manufactory, park or garden.

- 5 Notices required to be served by the acquiring authority may, notwithstanding anything in section eighteen of the Lands Clauses Consolidation (Scotland) Act, 1845, be served and addressed in the manner specified in paragraph 19 of the foregoing Schedule.
- 6 (1) A compulsory purchase order may make provision for the incorporation with the enactment under which the purchase is authorised of section seventy of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relates to the exception of minerals from purchases) and sections seventy-one to seventy-eight of that Act (which relate to restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, or the said section seventy only.
- (2) Such provision may be made as to all or any of the land to which the compulsory purchase order relates, and may include such modification of references in the said sections to the railway or works, or to the company, as may be specified in the order, and sub-paragraph (a) of paragraph 1 of this Schedule shall apply for the construction of the said sections as incorporated by the order.

PART II

The Acquisition of Land (Assessment of Compensation) Act, 1919.

- 7 The arbiter shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, work done, or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration directly or indirectly concerned, if the arbiter is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

PART III

Purchases under Section 2.

- 8 In relation to a compulsory purchase authorised in accordance with section two of this Act references in sub-paragraph (b) of paragraph 2 and in paragraph 6 of this Schedule, or in subsection (4) of section seventeen of the Town and Country Planning (Scotland) Act, 1945, to an order authorising a compulsory purchase of

land shall be construed as references to the authorisation under section two of this Act.

THIRD SCHEDULE

Section 2.

PROVISIONS AS TO AUTHORISATIONS UNDER SECTION 2.

- 1 (1) No authorisation under section two of this Act shall be given with respect to land of any description specified in subsection (2) of section one thereof or with respect to any dwelling house.
- (2) In this paragraph the expression " dwelling house " means any building or part of a building in which persons are residing, and includes any other building or part of a building in which persons normally reside but from which they are temporarily absent.
- 2 (1) Before an authorisation is given under section two of this Act the acquiring authority must—
- (a) have published in one or more local newspapers circulating in the locality in which any of the land to which the authorisation relates is situated a notice stating that the confirming authority is about to take into consideration the giving of an authorisation under section two of this Act with respect to land described in the notice, being land consisting of or comprised in the land to which the authorisation relates, and that representations which any person desires to make must be made to the confirming authority in writing within fourteen days from the date of the publication of the notice ; and
 - (b) have served on every owner and occupier of any of the land to which the authorisation relates a notice in writing stating that the confirming authority is about to take into consideration the giving of an authorisation as aforesaid, and that representations which any of the persons required to be served desires to make must be made to the confirming authority in writing within fourteen days from the date of the service of the notice on him.
- (2) A notice under the last foregoing subsection may be served on a person being an owner or occupier by addressing the notice to him by name and by delivering it to him or leaving it at, or sending it in a registered letter by post to, his usual or last known place of abode.
- 3 Before giving an authorisation under section two of this Act the confirming authority shall consider any representations duly made to the authority; and as soon as may be after the authorisation has been given or the decision has been taken to refuse it the confirming authority shall send to any person who has made representations with respect thereto, specifying an address for the purposes of this paragraph, notification thereof in a registered letter by post to the address specified.
- 4 Anything authorised or required by this Schedule or by section two of this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

FOURTH SCHEDULE

Section 5.

PUBLIC LOCAL INQUIRIES.

- 1 The Minister shall appoint a person to hold the inquiry and to report thereon to him.
- 2 The person appointed to hold the inquiry shall notify any person who has lodged, and has not withdrawn, objections in relation to any matter in question at the inquiry, and shall publish in such newspaper or newspapers as the Minister may direct a notice of the time when and the place where the inquiry is to be held.
- 3 The person appointed to hold the inquiry may, on the motion of any party thereto or of his own motion, serve a notice in writing on any person requiring him to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry:
Provided that—
 - (a) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and '
 - (b) nothing in this subsection shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- 4 The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
- 5 Any person who refuses or wilfully neglects to attend in obedience to a notice under paragraph 3 of this Schedule or to give evidence or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.
- 6 Where the inquiry arises out of a proposed acquisition of land by a local authority or the proposed extinction of a right of way over land acquired or proposed to be acquired by a local authority—
 - (a) the expenses incurred by the Minister in relation to the inquiry (including such reasonable sum as the Minister may determine for the services of the person appointed to hold the inquiry) shall be paid by such of the parties to the inquiry in such proportions as the Minister may order ; and
 - (b) the Minister may make orders as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.
- 7 Any order by the Minister under paragraph 6 of this Schedule may be enforced in like manner as a recorded decree arbitral.

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FIFTH SCHEDULE

Section 8.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of repeal.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act, 1946.	The whole Act except subsection (1) of section six and the Fourth Schedule.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Subsection (4) of section four.
9 & 10 Geo. 6. c. 70.	The Civil Aviation Act, 1946.	. Subsection (2) of section twenty-six, and in subsection (6) of section twenty-eight, the words from " and the pro-, visions " to the end of the subsection.
9 & 10 Geo. 6. c. 71.	The Police (Scotland) Act, 1946.	Subsection (3) of section eleven.
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	Subsection. (4) of section : twenty-one.
10 & 11 Geo. 6. c. 22.	The Civic Restaurants Act, 1947.	In subsection (1) of section two the words from "and the Acquisition" to "the passing of that Act", and the words from "section two" to " of this Act and ".
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	Subsection (4) of section fifty-seven.