



# Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

1947 CHAPTER 42 10 and 11 Geo 6

## 1 Procedure for compulsory purchase of land by local authorities, and by the Minister of Transport, the Minister of Civil Aviation and the Secretary of State for certain purposes.

- (1) The authorisation of any compulsory purchase of land—
- (a) by a local authority where, apart from this Act, power to authorise the authority to purchase land compulsorily is conferred by or under any enactment contained in a public general Act and in force immediately before the commencement of this Act, other than any enactment specified in subsection (4) of this section;
  - [<sup>F1</sup>(b) by the Secretary of State under section 41 or 49 of the Civil Aviation Act 1982]
  - (d) by the Secretary of State under section [<sup>F2</sup>79 of the National Health Service (Scotland) Act 1978];
  - [<sup>F3</sup>(e) by the Scottish Ministers under section 35 or 72 of the Land Reform (Scotland) Act 2003 (asp 2);]
  - [<sup>F4</sup>(ea) by the Scottish Ministers under section 5A(3) of the Diseases of Fish Act 1937 (c. 33);]
  - [<sup>F5</sup>(f) by Scottish Water under section 47 of the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#) ; ]

shall, subject to the provisions of this . . . <sup>F6</sup> section, be conferred by an order (in this Act referred to as a “compulsory purchase order”) in accordance with the provisions of the First Schedule to this Act.

- (2) The purchase, in a case falling within the last foregoing subsection, of land—
- (a) which is the property of a local authority or which has been acquired by statutory undertakers for the purposes of their undertaking,
  - (b) forming part of a common or open space or held inalienably by the National Trust for Scotland, . . . <sup>F7</sup>
  - (c) . . . . . <sup>F7</sup>

shall be subject to the special provisions of Part III of the said First Schedule.

*Status: Point in time view as at 01/08/2007. This version of this provision has been superseded.*

*Changes to legislation: Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, Section 1 is up to date with all changes known to be in force on or before 10 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)*

- [<sup>F8</sup>(2A) The following sections of, and the Schedules to, this Act shall apply in relation to a compulsory purchase by Scottish Water as they apply in relation to a compulsory purchase by a local authority.]
- (3) In relation to any compulsory purchase to which the provisions of the First Schedule to this Act apply, the Lands Clauses Acts and other enactments mentioned in Part I of the Second Schedule to this Act shall be incorporated in accordance with the provisions of the said Part I; and the Acquisition of Land (Assessment of Compensation) Act, <sup>M1</sup>1919, shall have effect in relation to any such compulsory purchase subject to the provisions of Part II of that Schedule.
- (4) The enactments excepted from the operation of subsection (1) of this section are any enactment contained in—
- (a) the Burial Grounds (Scotland) Act, <sup>M2</sup>1855;
  - (b) the Allotments (Scotland) Acts, 1892 to 1922;
  - (c) the Light Railways Acts, 1896 and 1912;
  - (d) ..... <sup>F9</sup>
  - (f) ..... <sup>F10</sup>
- (5) ..... <sup>F11</sup>

#### Textual Amendments

- F1** S. 1(b) substituted for paras. (b) and (c) by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 15 para. 2(1)**
- F2** Words substituted by National Health Service (Scotland) Act 1978 (c. 29, SIF 113:2), **Sch. 16 para. 2**
- F3** S. 1(1)(e) inserted (14.6.2004) by Land Reform (Scotland) Act 2003 (asp 2), s. 100(3), **sch. 2 para. 2** (with s. 100(2)); S.S.I. 2004/247, art. 2(b)
- F4** S. 1(1)(ea) inserted (1.8.2007) by Aquaculture and Fisheries (Scotland) Act 2007 (asp 12), s. 45(2), **sch. para. 2** (with s. 39); S.S.I. 2007/333, art. 2(1)
- F5** S. 1(1)(f) inserted (25.6.2003) by Water Industry (Scotland) Act 2002 Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 1(a)**
- F6** Words repealed by Statute Law Revision Act 1953 (c. 5)
- F7** S. 1(2)(c) and “or” immediately preceding it repealed by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), **Sch. 5** (by the note at the end of Sch. 5 it is provided that nothing in that Schedule shall affect the operation of any enactment in relation to which para. 1(1) of Sch. 3 to the repealing Act applies)
- F8** S. 1(2A) inserted (25.6.2003) by Water Industry (Scotland) Act 2002 Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 1(b)**
- F9** S. 1(4)(d)(e) repealed by Housing (Scotland) Act 1969 (c. 34), s. 69(3), **Sch. 7**
- F10** S. 1(4)(f) repealed by Town and Country Planning (Scotland) Act 1947 (c. 53), **Sch. 9 Pt. II**
- F11** S. 1(5) repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

#### Modifications etc. (not altering text)

- C1** S. 1(1)(b) extended by Roads (Scotland) Act 1984 (c. 54, SIF 108), **s. 110(3)**

#### Marginal Citations

- M1** 1919 c. 57.  
**M2** 1855 c. 68.

**Status:**

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