



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

1947 CHAPTER 42

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 ;
 - (b) by the Minister of Transport under section eleven of the Development and Road Improvement Funds Act, 1909, or that section as applied by section three of the Roads Improvement Act, 1925, or under section thirteen of the Restriction of Ribbon Development Act, 1935, as applied by section four of the Trunk Roads Act, 1936, or by section five of the Trunk Roads Act, 1946, or under section twenty-eight of the Civil Aviation Act, 1946;
 - (c) by the Minister of Civil Aviation under section twenty six of the Civil Aviation Act, 1946 ;
 - (d) by the Secretary of State under section fifty-seven of the National Health Service (Scotland) Act, 1947;

shall, subject to the provisions of this and the next following 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, or

- (c) being, or being the site of, an ancient monument or other object of archaeological interest,
shall be subject to the special provisions of Part III of the said First Schedule.
- (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, 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, 1855;
 - (b) the Allotments (Scotland) Acts, 1892 to 1922;
 - (c) the Light Railways Acts, 1896 and 1912;
 - (d) Part I of the Housing (Scotland) Act, 1930;
 - (e) Part I of the Housing (Scotland) Act, 1935;
 - (f) the Town and Country Planning (Scotland) Act, 1945.
- (5) Nothing in this Act shall prevent the authorisation by special order or Provisional Order of the compulsory purchase of land under the Electricity (Supply) Acts, 1882 to 1936.