CHAPTER 49.

An Act to amend the law as to the authorisation of the compulsory purchase of land for purposes for which the purchasing authority has power to purchase land compulsorily under existing enactments; to make temporary provision as to the procedure for the compulsory purchase of land as aforesaid in urgent cases; to provide for notifying purchases of war-damaged land to the War Damage Commission; and for purposes connected with the matters aforesaid. [18th April 1946.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Procedure for compulsory purchase of land by local authorities, and by the Minister of Transport for highway purposes.

1.—(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,

9 Edw. 7. c. 47. 15 & 16 Geo. 5. c. 68. 25 & 26 Geo. 5. c. 47. 1 Edw. 8 & 1 Geo. 6. c. 5. 9 & 10 Geo. 6. c. 30.

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 (being provisions which, subject to certain adaptations, modifications and exceptions, correspond with provisions as to the authorisation of the compulsory purchase of land of the Local Government Act, 1933).

23 & 24 Geo. 5. c. 51.

(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, open space or fuel or field garden allotment, or held inalienably by the National Trust, 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 Parts I and II of the Second Schedule to this Act shall be incorporated in accordance with the provisions of the said Parts I and II ; 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 III of that Schedule.

9 & 10 Geo. 5. c. 57.

(4) The enactments excepted from the operation of subsection (1) of this section are any enactment contained in—

(*a*) the Light Railways Acts, 1896 and 1912 ;

(*b*) Part III of the Housing Act, 1936 ;

26 Geo. 5 & 1 Edw. 8. c. 51. 7 & 8 Geo. 6. c. 47.

(*c*) the Town and Country Planning Act, 1944.

(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.

20 & 21 Geo. 5. c. 50.

(6) The Public Works Facilities Act, 1930, shall cease to have effect.

Temporary powers for speedy acquisition of land in urgent cases.

2.—(1) Where during the period of five years beginning with the commencement of this Act any authority (hereinafter referred to as a " confirming authority ") having power to authorise the compulsory purchase of land by a local authority for any purpose is satisfied—

(*a*) that it is expedient that the local authority (hereinafter referred to as the " acquiring authority ") should purchase any land for the said purpose, and

(*b*) that it is urgently necessary in the public interest that the acquiring authority should be enabled to obtain possession of the land without delay,

then if apart from this section the acquiring authority could be authorised by the confirming authority under any enactment to purchase the land compulsorily for the said purpose in accordance with the provisions of the foregoing section or of the Town and Country Planning Act, 1944, the acquiring authority may, in lieu of being so authorised in accordance with the said provisions, be so authorised, subject to the provisions of the Third Schedule to this Act, by an authorisation in writing given by the confirming authority under this subsection.

(2) Where during the period aforesaid the Minister of Transport is satisfied that it is expedient that he should purchase any land under any enactment mentioned in paragraph (*b*) of subsection (1) of the foregoing section, or the Board of Trade are satisfied that it is expedient that they should purchase any land under the Distribution of Industry Act, 1945, and the Minister or Board are satisfied that it is urgently necessary in the public interest that the Minister or Board should be enabled to obtain possession of the land without delay, the Minister or Board may, in lieu of being authorised to purchase the land in accordance with the provisions of the foregoing section or of the said Act of 1945, be so authorised, subject to the provisions of the Third Schedule to this Act, by an authorisation in writing given by the Minister or Board under this subsection. 8 & 9 Geo. 6. c. 36.

In the following provisions of this section and in the Third Schedule to this Act the expressions " acquiring authority " and " confirming authority " include the Minister of Transport or Board of Trade acting under this subsection.

(3) At any time not earlier than seven days nor later than three months after the giving of an authorisation under this section the acquiring authority may enter on, and take possession of, the land to which the authorisation relates notwithstanding that the purchase of the land has not been completed.

(4) Where the acquiring authority has taken possession of land pursuant to an authorisation under this section, the authority shall have power to purchase the land compulsorily as if authorised so to do under the enactment referred to in subsection (1) or (2) of this section, and in accordance with the provisions of the foregoing section, the Town and Country Planning Act, 1944, or the Distribution of Industry Act, 1945, as the case may be, and the provisions of Part IV of the Second Schedule to this Act; and the authority shall as soon as may be after taking possession of the land serve notice under section eighteen of the Lands Clauses Consolidation Act, 1845, of its intention to take the land and shall in all respects be liable as if such notice had been given on the date of the authority's entering 7 & 8 Vict. c. 18.

on the land, except that the power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw such a notice shall not be exercisable.

(5) A power to enter on and take possession of land conferred by an authorisation given under this section may, save as provided in the Third Schedule to this Act, be exercised without notice to or the consent of any person and without compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to payment of the like compensation, and interest on the compensation agreed or awarded, as the acquiring authority would have been required to pay if the provisions of those sections had been complied with.

(6) Notwithstanding anything in the two last foregoing subsections, where apart from this subsection the compensation for the compulsory purchase of land in respect of which an authorisation has been given under this section would be reduced by virtue of paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944 (which relates to purchases under that Act of houses unfit for human habitation), the reduction shall not be made unless an order under the said paragraph 9 has come into operation before the date on which the acquiring authority took possession of the land.

(7) While the acquiring authority is in possession of land pursuant to an authorisation given under this section, the authority shall be treated, as regards the use of the land and the rights of other persons affected by the use thereof, as if the authority had completed the purchase of the land; and in particular any provision for the extinction of rights over the land on completion of the purchase thereof shall apply as if the authority had completed the purchase thereof at the time when possession thereof was taken.

(8) In this section references to the use of land include references to the erection of buildings or structures on the land and the carrying out of work thereon.

(9) If at any time before the expiration of the period during which authorisations may be given under this section an address is presented to His Majesty by each House of Parliament praying that the said period shall be extended for a further year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that the said period shall be so extended.

Power to extinguish certain public rights of way over land acquired.

3.—(1) Subject to the provisions of this section, where land is acquired, or proposed to be acquired,—

(*a*) in pursuance of a compulsory purchase order made under section one of this Act or an authorisation given under section two thereof, or

(*b*) by agreement for a purpose, and by an authority, such that the compulsory acquisition of the land could be authorised by such an order or authorisation as aforesaid,

and there subsists over any part of the land a public right of way, not being a right enjoyable by vehicular traffic, then if the Minister of Town and Country Planning (hereafter in this section referred to as " the Minister ") is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required, he may by order extinguish the right of way as from such time as may be specified in the order, not being earlier than—

(i) the making of the order,

(ii) if in the exercise of any power conferred by this Act or by agreement the acquiring authority takes possession of the land before the acquisition thereof is completed, the date on which the authority takes possession of the land,

(iii) if the acquiring authority does not take possession of the land in the exercise of any such power as aforesaid, the date on which the acquisition of the land is completed :

Provided that where a right of way is extinguished under this subsection at a date before the acquisition of the land in question is completed, then if at any time thereafter it appears to the Minister that the proposal to acquire the land has been abandoned, he shall by order direct that the right shall revive, without prejudice, however, to the making of a new order extinguishing the right.

(2) The Minister shall cause a notice stating the effect of any order that he proposes to make under this section extinguishing a right of way, and specifying the time (not being less than twenty-one days from the publication of the notice) within which, and the manner in which, objections to the proposal may be made, to be published in such manner as appears to him to be requisite, and in any case where the acquiring authority is not the local planning authority (that is to say, the council specified in subsection (1) of section two of the Town and Country Planning Act, 1932) for the area in which the land is situated shall serve a like notice on the said local planning authority.

22 & 23 Geo. 5. c. 48.

(3) If any objection to the proposal is duly made and is not withdrawn, the Minister shall, before making the order, cause a public local inquiry to be held.

(4) No order shall be made under subsection (1) of this section extinguishing a right of way over land on, over or under which there is any apparatus belonging to statutory undertakers

unless the undertakers consent to the making of the order, and any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.

The consent of statutory undertakers to any such order shall not be unreasonably refused, and any question arising under this subsection whether any requirement or refusal is reasonable shall be determined by the appropriate Minister.

(5) The foregoing provisions of this section shall not apply in any case where section twenty-three of the Town and Country Planning Act, 1944 (which relates to the extinction of public rights of way over land acquired or appropriated for the purposes of Part I of that Act) applies.

(6) Except as provided by the foregoing provisions of this section or by the said section twenty-three, nothing in this Act shall be taken to authorise the extinction of any public right of way.

Notification of purchases of war-damaged land to War Damage Commission.

4.—(1) On the date on which any such action as the following is taken, that is to say—

(*a*) notice to treat is served for the compulsory purchase under any enactment of an interest in any land that has sustained war damage any of which has not been made good at that date,

(*b*) any other action is taken by virtue of which compulsory purchase under any enactment of an interest in such land becomes obligatory, or

(*c*) there is withdrawn a notice to treat for the compulsory purchase under any enactment of an interest in any land that has sustained war damage any of which had not been made good at the time when the notice to treat was served,

or as soon as may be after that date, the person or body of persons by whom the action is taken shall notify the War Damage Commission that the action has been taken:

Provided that this subsection shall not apply to a notice to treat deemed to have been served by virtue of the Sixth Schedule to the Town and Country Planning Act, 1944.

(2) If any person or body of persons, being authorised under any enactment to purchase compulsorily land which has sustained war damage, enter into an agreement for the purchase of an interest in the land and at the date when the agreement is made any of the damage has not been made good, the person or body of persons shall, on or as soon as may be after that date, notify the War Damage Commission that they have entered into the agreement.

(3) Any notification under this section may be given to the War Damage Commission by delivering it to an officer of the Commission at any office of the Commission, or by sending it in a pre-paid registered letter addressed to the Commission at any office of the Commission.

(4) In this section the expression "war damage" has the same meaning as in the War Damage Act, 1943, and the expression "enactment" includes an enactment passed after the commencement of this Act. 6 & 7 Geo. 6. c. 21.

(5) Subsection (1) of section fifty-three of the Town and Country Planning Act, 1944, except the proviso thereto, and subsection (2) of that section shall cease to have effect.

Provisions as to inquiries.

5.—(1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit.

(2) Subsections (2) and (3) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence on inquiries) and in relation to a proposed acquisition of land by a local authority, or to the proposed extinction of a right of way over land acquired or proposed to be acquired by a local authority, subsections (4) and (5) of that section (which relate to the defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act as they apply to the inquiries mentioned in subsection (1) of the said section two hundred and ninety, but with the substitution for references to a department of references to a Minister.

Minor and consequential amendments.

6.—(1) The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments or amendments consequential on the passing of this Act.

(2) Any reference in subsection (1) of section one of this Act or in paragraph 1 of the First Schedule thereto to an enactment contained in an Act specified in the said Fourth Schedule shall be construed as if the said amendments had been in force immediately before the commencement of this Act.

(3) For the removal of doubt it is hereby declared that any power conferred by or under this Act or any enactment passed before the commencement thereof to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

Application of s. 1 to local Acts.

7.—(1) Where, apart from this Act, power to authorise a local authority to purchase land compulsorily is conferred by any enactment contained in a local Act and in force immediately before the commencement of this Act, the Minister of Health may by order made on the application of the local authority direct that section one of this Act shall apply in relation to the enactment as if the enactment were contained in a public general Act:

Provided that nothing in an order under this section shall empower the authorisation of a compulsory purchase in accordance with the provisions of section two of this Act.

(2) Where an order has come into operation under this section the last foregoing section shall apply as if the local Act to which the order relates were specified in the Fourth Schedule to this Act, and as if there were specified in the second column of that Schedule such amendments of the local Act as may be provided for in the order, being amendments appearing to the Minister to be consequential on the making of the order.

(3) Any order under this section made after the expiration of two years from the commencement of this Act shall be subject to special parliamentary procedure.

Interpretation.

8.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"appropriate Minister" means, in relation to—

(*a*) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, the Minister of Transport,

(*b*) in relation to any undertaking for the supply of electricity, gas or hydraulic power, the Minister of Fuel and Power,

(*c*) in relation to any undertaking for the supply of water, the Minister of Health;

"ancient monument" has the same meaning as in the Ancient Monuments Acts, 1913 and 1931;

"common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

"fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

"held inalienably," in relation to land belonging to the National Trust, means that the land is inalienable under section twenty-one of the National Trust Act, 1907, or section eight of the National Trust Act, 1939;

7 Edw. 7. c. cxxxvi.
2 & 3 Geo. 6. c. lxxxvi.

"land", in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment;

"local authority" means the council of a county, county borough, metropolitan borough or county district, the common council of the City of London, the receiver for the metropolitan police district or any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid, and includes also the Honourable Society of the Inner Temple and the Honourable Society of the Middle Temple; 38 & 39 Vict. c. 83.

"National Trust" means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the said Act of 1907;

"open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground;

"owner," in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement; the unexpired term whereof exceeds three years;

"statutory undertakers" means any persons authorised by any Act (whether public general or local), or by any order or scheme made under or confirmed by an Act, to construct, work or carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water.

(2) If any question arises under this Act which Minister is the appropriate Minister the question shall be determined by the Treasury.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment (including this Act).

Provisions as to Scotland.

9.—(1) The subsequent provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to the Minister of Health or to the Minister of Town and Country Planning there shall be substituted a reference to the Secretary of State; for any reference to the High Court or the Court of Appeal there shall be substituted a reference to the Court of Session.

(3) For references to the Town and Country Planning Act, 1944, to subsection (4) of section eighteen thereof, to section twenty-three thereof, to section fifty-three thereof, to paragraph 9 of the Fifth Schedule thereto, and to the Sixth Schedule thereto, there shall be respectively substituted references to the Town and Country Planning (Scotland) Act, 1945, to subsection (4) of section seventeen thereof, to section twenty-two thereof, to section fifty-one thereof, to paragraph 8 of the Fifth Schedule thereto, and to the Sixth Schedule thereto; and for any reference to the Housing Act, 1936, there shall be substituted a reference to the Housing (Scotland) Acts, 1925 to 1935.

8 & 9 Geo. 6. c. 33.

(4) For the provisions of the Lands Clauses Consolidation Act, 1845, referred to there shall be substituted the corresponding provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, that is to say,—for section eighteen, section seventeen; for section nineteen, section eighteen; for sections eighty-four to ninety, sections eighty-three to eighty-eight; for section ninety-two, section ninety; for sections one hundred and twenty-seven to one hundred and thirty-two, sections one hundred and twenty to one hundred and twenty-five; for section one hundred and thirty-three, section one hundred and twenty-seven; for sections one hundred and fifty and one hundred and fifty-one, sections one hundred and forty-two and one hundred and forty-three.

8 & 9 Vict. c. 19.

8 & 9 Vict. c. 20.

(5) For references to the Railways Clauses Consolidation Act, 1845, and to sections seventy-seven and seventy-eight to eighty-five thereof there shall be respectively substituted references to the Railways Clauses Consolidation (Scotland) Act, 1845, and to section seventy and sections seventy-one to seventy-eight thereof.

8 & 9 Vict. c. 33.

(6) The expression "appropriate Minister" means in relation to the undertaking of the North of Scotland Hydro-Electric Board, the Secretary of State; the expression "local authority" means any county council, town council or district council or any other authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891, and includes any joint board or joint committee, of which all the constituent authorities are such local authorities as aforesaid; the expression "owner" in relation to any land includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years; the expression "land" includes in relation to compulsory purchase under the Harbours Piers and Ferries (Scotland) Act, 1937, a marine work within the meaning of that Act; for any reference to the National Trust there shall be substituted a reference to the National Trust for Scotland; for any reference to an arbitrator there shall be substituted a reference to an arbiter; and references to land subject to be enclosed under the Inclosure Acts, 1845 to 1882, or to fuel or field garden allotments shall be omitted.

54 & 55 Vict. c. 34.

1 Edw. 8 & 1 Geo. 6. c. 28.

(7) Section one of this Act shall have effect as if—

(i) after paragraph (*b*) of subsection (1) there were inserted the following paragraph—

"(*c*) by the Secretary of State under section three of the Highlands and Islands (Medical Service) Grant Act, 1913"; 3 & 4 Geo. 5. c. 26.

(ii) for the Acts mentioned in subsection (4) there were substituted the following Acts:—

(*a*) the Burial Grounds (Scotland) Act, 1855; 18 & 19 Vict. c. 68.

(*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; 20 & 21 Geo. 5. c. 40.

(*e*) Part I of the Housing (Scotland) Act, 1935; 25 & 26 Geo. 5. c. 41.

(*f*) the Town and Country Planning (Scotland) Act, 1945.

(8) Subsection (2) of section three of this Act shall have effect as if for the words "(that is to say, the council specified in subsection (1) of section two of the Town and Country Planning Act, 1932)" there were substituted the words "within the meaning of the Town and Country Planning (Scotland) Act, 1945".

(9) Subsection (2) of section five of this Act shall not apply and the provisions of the Fifth Schedule to this Act shall have effect with regard to a public local inquiry held in pursuance of this Act.

(10) Section eight of this Act shall have effect as if for the definitions of "held inalienably" and "National Trust," there were substituted the following definitions—

"held inalienably," in relation to land belonging to the National Trust for Scotland, means that the land is inalienable under section twenty-two of the Order confirmed by the National Trust for Scotland Order Confirmation Act, 1935; 26 Geo. 5. c. ii.

"National Trust for Scotland" means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the said Order.

(11) Any provision contained in the Schedules to this Act requiring notice to be served on the owners lessees or occupiers of any land shall be deemed to be complied with if notice is served on all the persons appearing from the valuation roll or otherwise known to the acquiring authority to have an interest in the land and any reference in the said Schedules to owners, lessees and occupiers shall be construed accordingly. Service of a notice on a person so appearing to have an interest may be effected by sending the notice in a registered letter addressed to him at his address as entered in the valuation roll.

(12) Paragraph 3 of the First Schedule to this Act shall have effect as if the words in head (*b*) of sub-paragraph 1 from " except in so far," to " particular case," and head (*c*) of that sub-paragraph and sub-paragraphs (2) and (3) were omitted.

(13) Paragraph 11 of the First Schedule to this Act shall have effect as if—

(i) the Minister having jurisdiction to give a certificate under sub-paragraph (1) were in all cases the Secretary of State;

(ii) in sub-paragraph (1) after the words ' not being less in area ' there were inserted the words ' (unless the person in whom the land was vested otherwise agrees) ' ; and

(iii) sub-paragraph (3) were omitted.

(14) Any inquiry in relation to a compulsory purchase order which, by virtue of Part III of the First Schedule to this Act, becomes, in certain events, subject to special parliamentary procedure shall, if the confirming authority so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction has been so given—

26 Geo. 5 & 1 Edw. 8. c. 52.

(i) it shall be deemed to have been given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945;

9 & 10 Geo. 6. c. 18.

(ii) if publication of notice in accordance with the provisions of head (*a*) of sub-paragraph (1) of paragraph 3 of the First Schedule to this Act has been made the provisions of subsection (1) of the aforesaid section two with regard to advertisement of notice shall be deemed to have been complied with; and

(iii) nothing in section five of this Act as read with sub-section (9) of this section shall apply to such inquiry.

(15) Paragraph 17 of the First Schedule to this Act shall have effect as if after the words " Act of Parliament " there were inserted the words " under subsection (4) of section two as read with section ten or."

(16) The Second Schedule to this Act shall have effect as if—

(i) in paragraph 1 thereof after the words " Lands Clauses Acts " there were inserted the words " and section six of the Railways Clauses Consolidation (Scotland) Act, 1845 " ; and

(ii) sub-paragraph (2) of paragraph 3 and paragraph 5 were omitted.

(17) The Third Schedule shall have effect as if sub-paragraphs (2) (*b*), (2) (*c*) and (3) of paragraph 2 were omitted.

Short title, repeals and saving.

10.—(1) This Act may be cited as the Acquisition of Land (Authorisation Procedure) Act, 1946.

(2) This Act shall not extend to Northern Ireland.

(3) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Where before the commencement of this Act proceedings for obtaining authorisation of a compulsory purchase in accordance with the provisions of any enactment referred to in section one of this Act have been begun but not completed, the proceedings may be completed as if this Act had not been passed.

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 local 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.—(1) 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*) except in so far as the confirming authority directs that this provision shall not have effect in any particular case, 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;

(*c*) in the case of any land with respect to which a direction is given under head (*b*) of this sub-paragraph, affix to some conspicuous object or objects on the land a notice or notices in the prescribed form addressed to "the owners and any occupiers" of the land (describing it) containing the particulars specified in the said head (*b*):

1ST SCH. —*cont.*

Provided that no direction under head (*b*) of this sub-paragraph shall have effect in relation to an owner, lessee or occupier being a local authority or statutory undertakers or the National Trust.

(2) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

(3) In this paragraph the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

4.—(1) If no objection is duly made by any such owner, lessee or occupier as aforesaid or if all objections so made are withdrawn, the confirming authority, upon being satisfied that the proper notices have been published and served, may, if the authority thinks 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 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 foregoing 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.

1ST SCH. —*cont.*

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 which is held by the Trust inalienably, be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the local authority or statutory undertakers or the National Trust, 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, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Minister of Agriculture and Fisheries (in the case of a common or of a fuel or field garden allotment) or the Minister of Town and Country Planning (in the case of an open space not being a common or such an allotment) is satisfied—

(*a*) that there has been or will be given in exchange for such land other land, not being less in area 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 Minister having jurisdiction to give the certificate shall give public notice of his intention so to do, and—

(*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,

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

(3) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) of this paragraph in the persons, and subject to the rights, trusts and incidents, therein mentioned, and for discharging the land purchased from all rights, trusts and incidents to which it was previously subject.

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

1ST SCH. —*cont.*

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 and certificates.

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 of 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 High Court, 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 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 Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal 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. 1ST SCH. —*cont.*

17. This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, 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 Minister of Health.

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: 52 & 53 Vict. c. 63.

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.

1. In relation to any compulsory purchase to which the provisions of the foregoing Schedule apply the Lands Clauses Acts 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 Act, 1845, shall be excepted from incorporation as aforesaid, that is to say—

(*a*) sections one hundred and twenty-seven to one hundred and thirty-two (which relate to the sale of superfluous land);

(*b*) in the case of a purchase under the Housing Act, 1936, and in any other case in which the compulsory purchase order so provides, section one hundred and thirty-three (which relates to promoters making good deficiencies in land tax and rates); and

(*c*) sections one hundred and fifty and one hundred and fifty-one (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-four to ninety of the Lands Clauses Consolidation 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 the provisions of those sections had been complied with.

(2) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in paragraph 3 of the foregoing Schedule, a like notice shall be served on the Ecclesiastical Commissioners.

(3) 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-two of the Lands Clauses Consolidation 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 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. Any sums agreed upon or awarded for the purchase of land being ecclesiastical property as defined in paragraph 3 of the foregoing Schedule, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

6. Notices required to be served by the acquiring authority may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served and addressed in the manner specified in paragraph 19 of the foregoing Schedule.

PART II.

Railways Clauses Consolidation Act, 1845.

7.—(1) A compulsory purchase order may make provision for the incorporation with the enactment under which the purchase is authorised of section seventy-seven of the Railways Clauses Consolidation Act, 1845 (which relates to the exception of minerals from purchases) and sections seventy-eight to eighty-five 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-seven only. 13 & 14 Geo. 5. c. 20.

(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.

2ND SCH. —*cont.*

PART III.

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

8. The arbitrator 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 arbitrator is satisfied that the creation of the interest, the erection of th 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 IV.

Purchases under Section 2.

9. 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 7 of this Schedule, or in subsection (4) of section eighteen of the Town and Country Planning Act, 1944, 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 sub-paragraph may be served—

(*a*) on a person being an owner or occupier if the notice is addressed to him by name and is delivered to him or left at, or sent in a registered letter by post to, his usual or last known place of abode;

(*b*) on a person being an owner or occupier of any premises which appear to the acquiring authority to be separately occupied, by addressing the notice to "the owner and the occupier" of the premises (describing them), and either by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it to some conspicuous object on the premises;

(*c*) on all persons being owners or occupiers (if any) of premises comprised in land which appears to the acquiring authority to be unoccupied, by addressing the notice to "the owners and any occupiers" of the land (describing it), and by affixing it to some conspicuous object on the land.

(3) Where under sub-paragraph (1) of this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in paragraph 3 of the First Schedule to this Act, a like notice shall be sent in a registered letter by post to the secretary of the Ecclesiastical Commissioners at their principal office.

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 6.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Enactment amended.	*Amendments.*
The Explosives Act, 1875. (38 & 39 Vict. c. 17.)	In section one hundred and thirteen, for the words from "shall have" to "by agreement" there shall be substituted the words "may be authorised by the Secretary of State to purchase land compulsorily", and the words from "that any local authority" to the end of the section shall be omitted.
The Public Parks (Scotland) Act, 1878. (41 & 42 Vict. c. 8.)	In section six, for the words "regulations shall be observed", there shall be substituted the words "provisions shall have effect"; for paragraphs (1) and (2) there shall be substituted the following paragraphs:— "(1) The local authority may purchase land by agreement in accordance with the provisions of the Lands Clauses Acts. "(2) The local authority may be authorised by the Secretary of State to purchase land compulsorily"; and paragraphs (3) to (5) and the proviso shall cease to have effect. Sections eight to eleven and the Schedule shall cease to have effect.
The Metropolitan Police Act, 1886 (49 & 50 Vict. c. 22).	In section two, for the words "purchase and" there shall be substituted the words "purchase by agreement, or, if so authorised by the Minister of Health, compulsorily, or." In section four, subsections (1) to (10) shall cease to have effect; and in subsection (11), after the word "Act" there shall be inserted the words "and of the Acquisition of Land (Authorisation Procedure) Act, 1946"; after the word "shall" where it first occurs there shall be inserted the words "with the necessary modifications," and for the words from "save that the provisions" to "Parliament" there shall be substituted the words "and where an order authorising the compulsory purchase under this Act of any such land has come into operation."

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Military Lands Act, 1892. (55 and 56 Vict. c. 43.)	In section one, in subsection (3), for the words " and hold " there shall be substituted the words " by agreement or, if so authorised by the Secretary of State, compulsorily ", and at the end there shall be added the words " and may hold land on that behalf ". Section two shall not apply to compulsory purchases by a local authority.
The Burgh Police (Scotland) Act, 1892. (55 & 56 Vict. c. 55.)	In section one hundred and eight, for the words from " acquire the said lands " to " hereinbefore provided " there shall be substituted the words " be authorised by the Secretary of State to purchase such lands and premises compulsorily ". In section one hundred and fifty-four, for the words from " present a petition " to " hereinbefore provided " there shall be substituted the words " be authorised by the Secretary of State to purchase such lands and premises compulsorily ". In section one hundred and ninety-three, for the words from " take such building " to " occupiers thereof " there shall be substituted the words " be authorised by the Secretary of State to purchase such building or land compulsorily " and for the words " such compensation " there shall be substituted the words " the compensation payable therefor ". Section two hundred and sixty-two shall cease to have effect. In section three hundred and fifteen, for the words from " after resolution " to " not otherwise acquire " there shall be substituted the words " purchase by agreement and, if authorised by the Secretary of State, compulsorily ", and for the word " acquire " where secondly occurring there shall be substituted the words " purchase by agreement and, if authorised by the Secretary of State, compulsorily ".
The Diseases of Animals Act, 1894. (57 & 58 Vict. c. 57.)	In section thirty-three, in subsection (1), after the word " purchase " there shall be inserted the words " by agreement, or if so authorised by the Minister of Agriculture and Fisheries compulsorily," and subsection (3) shall cease to have effect.

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Diseases of Animals Act, 1894. (57 & 58 Vict. c. 57.)—*cont.*	For section sixty-one the following section shall be substituted :— "61. A local authority may be authorised by the Secretary of State to purchase land compulsorily for any purpose mentioned in section thirty-three of this Act."
The Local Government (Scotland) Act, 1894. (57 & 58 Vict. c. 58.)	In section twenty-five, in subsection (2), for the words from "make a representation" to the end of the subsection there shall be substituted the words "be authorised by the Secretary of State to purchase land compulsorily"; subsections (3) to (16) shall cease to have effect.
The Public Health (Scotland) Act, 1897. (60 & 61 Vict. c. 38.)	In section one hundred and forty-five, for the words "The following regulations shall be observed" there shall be substituted the words "The provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect" and paragraphs (1) to (15) shall cease to have effect.
The Burgh Police (Scotland) Act, 1903. (3 Edw. 7. c. 33.)	In section seventy-three, for the words from "shall be entitled" to the end of the section there shall be substituted the words "may be authorised by the Secretary of State to acquire the said ground and buildings compulsorily".
The Small Holdings and Allotments Act, 1908. (8 Edw. 7. c. 36.)	In section twenty-five, in subsection (1), at the end there shall be added the words "or may purchase such land compulsorily in accordance with the provisions of this Act and of the Acquisition of Land (Authorisation Procedure) Act, 1946, in that behalf", and subsection (2) shall cease to have effect. In section thirty-nine, in subsection (1), for the words from "subject to" to the end of the subsection there shall be substituted the words "be authorised so to do by the Minister of Agriculture and Fisheries", in subsection (3) for the words "this section" there shall be substituted the words "the last foregoing subsection", and in subsection (4) for the words "under this section" there shall be substituted the words "for the compulsory purchase or hiring of land under this Act". In section forty-one, in subsection (1), the words from "or which at that date" to the end shall be omitted. In section forty-five, the words from "and the provisions" to the end shall be omitted. In the First Schedule, Part I shall cease to have effect in relation to compulsory purchase.

Enactment amended.	*Amendments.*	4TH SCH. —*cont.*
The Local Government (Scotland) Act, 1908. (8 Edw. 7. c. 62.)	In section five, for subsections (2) and (3) the following subsection shall be substituted :— "(2) A county council may be authorised by the Secretary of State to purchase land compulsorily for any of the aforesaid purposes."	
The Electric Lighting Act, 1909. (9 Edw. 7. c. 34.)	In section one, in subsection (1), after the word "person" there shall be inserted the words "or may by compulsory purchase order under the Acquisition of Land (Authorisation Procedure) Act, 1946, authorise any local authority, being, in either case, an authority, company or person", and paragraph (*c*) of the First Schedule shall apply in relation to any compulsory purchase under the Act authorised by a compulsory purchase order.	
The Development and Road Improvement Funds Act, 1909. (9 Edw. 7. c. 47.)	In relation to acquisition by local authorities or by the Minister of Transport, the Act shall be amended as follows. In section five, subsection (1) shall have effect with the substitution for the words from "and hold land" to the end of the subsection of the words "either by agreement or, if so authorised by the Secretary of State, Minister or Board in charge of the Department concerned with the said purpose, compulsorily, and hold land for the purpose ; and the provisions of the Schedule to this Act shall have effect in relation to any compulsory acquisition under this section", in subsection (2), the words from "or which at that date" to the end shall be omitted, and in subsection (3), for the words "The Commissioners in making an order for" there shall be substituted the words "The said Secretary, Minister or Board in authorising". In section eleven, so much of subsection (5) as precedes the proviso thereto shall have effect as if it provided that a highway authority may be authorised by the Minister of Transport to acquire compulsorily any land which they consider necessary for the purpose mentioned in subsection (3) of the section, that the Minister of Transport may acquire compulsorily any such land as is mentioned in subsection (1) thereof which he considers necessary, and that the provisions of the	

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Development and Road Improvement Funds Act, 1909. (9 Edw. 7. c. 47.)—*cont.*	Schedule to the Act shall have effect in relation to any compulsory acquisition under the section. Section nineteen shall cease to have effect. In the Schedule, paragraphs 1 to 4 and 6 and 7 shall cease to have effect, in paragraph 5 after the word " order " there shall be inserted the words " authorising a compulsory purchase under this Act ", and in paragraph 8 the words from the first " the " to " and " shall cease to have effect.
The National Insurance Act, 1913. (3 & 4 Geo. 5. c. 37.)	In section forty-one, in subsection (1), for the words from " and the provisions " to the end of the subsection there shall be substituted the words, " and may be authorised by the Secretary of State to purchase land compulsorily for the said purpose ".
The Mental Deficiency and Lunacy (Scotland) Act, 1913. (3 & 4 Geo. 5. c. 38.)	In section sixty-eight, for subsections (2) and (3) the following subsection shall be substituted :— " (2) A district board of control may be authorised by the Secretary of State to purchase land compulsorily for any such purpose as aforesaid ".
The Education (Scotland) Act, 1918. (8 & 9 Geo. 5. c. 48.)	In section eleven, in subsection (3), after the word " authorised " there shall be inserted the words " by the Secretary of State " and the words from " by means of an Order " to the end of the subsection shall be omitted.
The Electricity (Supply) Act, 1919. (9 & 10 Geo. 5. c. 100.)	In section eleven, after the words " this Act " there shall be inserted the words " or in any compulsory purchase order under the Acquisition of Land (Authorisation Procedure) Act, 1946 ".
The Land Settlement (Facilities) Act, 1919. (9 & 10 Geo. 5. c. 59.)	In section two, in subsection (1), for the words from the beginning to " entered on land " there shall be substituted the words " Where the council authorised to purchase any land compulsorily under the principal Act have, by virtue of paragraph (3) of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, entered on the land ", in subsection (3) for the words " under this section " in the first place in which they occur there shall be substituted the words " given in the circumstances mentioned in subsection (1)

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Land Settlement (Facilities) Act, 1919. (9 & 10 Geo. 5. c. 59.) —*cont.*	of this section, or given under the last foregoing subsection," and the said words in the second place in which they occur shall be omitted. The foregoing amendments shall not affect the application of the said section two in relation to the compulsory hiring of land or to an agreement to hire land. In section twelve, subsection (3) shall not apply to land purchased compulsorily. Subsections (1) to (3) of section twenty-eight shall not apply to the compulsory purchase of land by a local authority.
The Public Libraries Act, 1919. (9 & 10 Geo. 5. c. 93.)	In section six, after the words " may be authorised " there shall be inserted the words " by the Minister of Education ", and the words from " in the same manner " to the end shall be omitted.
The Housing (Scotland) Act, 1925. (15 & 16 Geo. 5. c. 15.)	In section fifty-one, in subsection (1) for the words from " by means of " to the beginning of the proviso there shall be substituted the words " by the Board ". Sections thirty-two and eighty-six to eighty-nine so far as relating to the compulsory purchase of land for the purposes of Part III of the Act shall cease to have effect.
The Small Holdings and Allotments Act, 1926. (16 & 17 Geo. 5. c. 52.)	In section four, for the words from " a county council " to " such land " there shall be substituted the words " a county council may purchase land (whether situate within or without the county) by agreement or, if so authorised by the Minister, compulsorily, or may take such land on lease by agreement or, if the council are unable to obtain by agreement suitable land for the purpose," and for the word " acquisition " there shall be substituted the word " hiring ". In section seventeen, subsection (2) shall cease to have effect.
The Housing (Scotland) Act, 1930. (20 & 21 Geo. 5. c. 40.)	In section thirty-five, in subsection (1), the words from " and the provisions " to the end of the subsection shall cease to have effect.
The Land Drainage Act, 1930. (20 & 21 Geo. 5. c. 44.)	In section forty-five, in subsection (2), after the word " authorised " there shall be inserted the words " by the Minister ", and the words from " by means of " to the end of the subsection shall be omitted, and in subsection (3), the words " or any order made thereunder ", and the words from " or which is vested " to the end of the subsection, shall be omitted. The Fourth Schedule shall cease to have effect.

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Town and Country Planning Act, 1932. (22 & 23 Geo. 5. c. 48.)	In section twenty-five, in subsection (2), for the words from the beginning of the subsection to the beginning of the proviso there shall be substituted the words " The responsible authority may be authorised by the Minister to purchase compulsorily any land which they are authorised by the foregoing provisions of this section to purchase ; and the provisions of the Third Schedule to this Act shall have effect in relation to any compulsory purchase under this section ", and subsections (3) and (6) shall cease to have effect. In section thirty-five, in subsection (2), after the word " Act " where it first occurs there shall be inserted the words " and of the Acquisition of Land (Authorisation Procedure) Act, 1946." Section forty-three shall cease to have effect in relation to compulsory purchase. In the First Schedule, Part III shall cease to have effect. In the Third Schedule, in Part I, paragraph 1 and paragraphs 4 to 6 shall cease to have effect; in paragraph 2, for the words from the beginning to " in respect of " there shall be substituted the words " An order authorising the compulsory purchase of ", and in paragraph 3, for the words from the beginning to the end of sub-paragraph (ii) there shall be substituted the words " Part III of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect, in relation to the compulsory purchase of land under this Act, as if the following provision were included therein ", and sub-paragraph (iv) shall cease to have effect ; and Part II, except paragraph 3 and paragraph 4 in so far as it relates to appropriation, shall cease to have effect, and in the said paragraph 3 for the words " confirm an order for," there shall be substituted the word " authorise ".
The Town and Country Planning (Scotland) Act, 1932. (22 & 23 Geo. 5. c. 49.)	In section twenty-five, in subsection (2), for the words from the beginning of the subsection to the beginning of the proviso there shall be substituted the words " The responsible authority may be authorised by the Department to purchase compulsorily any land which they are authorised by the foregoing provisions of this section to

Enactment amended.	*Amendments.*	4TH SCH. —*cont.*
The Town and Country Planning (Scotland) Act, 1932. (22 & 23 Geo. 5. c. 49.) *cont.*	purchase, and the provisions of the Third Schedule to this Act shall have effect in relation to any compulsory purchase under this section", and subsections (3) and (6) shall cease to have effect. In section thirty-four, in subsection (2), after the word "Act" where it first occurs there shall be inserted the words "and of the Acquisition of Land (Authorisation Procedure) Act, 1946". Section forty-two shall cease to have effect in relation to compulsory purchase. In the First Schedule, Part III shall cease to have effect. In the Third Schedule, in Part I, paragraph 1 and paragraphs 4 to 6 shall cease to have effect; in paragraph 2, for the words from the beginning to "in respect of" there shall be substituted the words "An order authorising the compulsory purchase of", and in paragraph 3, for the words from the beginning to the end of subparagraph (ii) there shall be substituted the words "Part III of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 shall have effect in relation to the compulsory purchase of land under this Act, as if the following provision were included therein"; and Part II, except paragraph 3 and paragraph 4 in so far as it relates to appropriation, shall cease to have effect, and in the said paragraph 3, for the words "confirm an order for," there shall be substituted the word "authorise".	
The Children and Young Persons Act, 1933. (23 Geo. 5. c. 12.)	In section ninety-six, subsection (5) shall have effect, in relation to the compulsory purchase of land, as if it provided that the council of a county borough or urban district may be authorised by the Minister of Health to purchase land compulsorily for the purposes of their functions under that Act.	
The Local Government Act, 1933. (23 & 24 Geo. 5. c. 51.)	In relation to the compulsory purchase of land in a case falling within subsection (1) of section one of this Act, the Act shall be amended as follows. In section one hundred and fifty-nine, after the word "authorised", in each place where that word occurs, there shall be inserted the words "by the Minister".	

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Local Government Act, 1933. (23 & 24 Geo. 5. c. 51.) —*cont.*	Sections one hundred and sixty to one hundred and sixty-two shall cease to have effect. In section one hundred and sixty-eight, in subsection (3), for the words from " make and submit to the Minister " to " under this section " there shall be substituted the words " be authorised by the Minister to purchase compulsorily the land or any part thereof, and the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect in relation to the compulsory purchase order authorising the purchase "; in paragraph (*a*), the reference to persons upon whom notices are required to be served shall be construed as a reference to owners, lessees and occupiers of the land in question, and in paragraph (*b*) of that subsection, for the words " in the order " there shall be substituted the words " with this section "; in subsection (4) and subsection (7), for the word " under " there shall be substituted the words " for the purposes of ", and after the words " and this section " in the said subsection (7) there shall be inserted the words " and the provisions of the said Act of 1946 ". Sections one hundred and seventy-four and one hundred and seventy-five shall cease to have effect. In section one hundred and seventy-nine, paragraphs (*a*) to (*c*) and (*g*) shall cease to have effect. The Sixth Schedule shall cease to have effect.
The Restriction of Ribbon Development Act, 1935. (25 & 26 Geo. 5. c. 47.)	In section thirteen, in subsection (1), after the word " acquire " there shall be inserted the words " by agreement or, if so authorised by the Minister, compulsorily," and the words from " and if they are unable " to the beginning of the proviso shall be omitted; in the said proviso, for the words from the beginning to " modifications " there shall be substituted " Provided that the modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to a compulsory purchase under this section shall include the following "; in subsection (3), in paragraph (*b*), for the words " by means of a compulsory purchase order " there

Enactment amended.	*Amendments.*	4TH SCH. —*cont.*
The Restriction of Ribbon Development Act, 1935. (25 & 26 Geo. 5. c. 47.) —*cont.*	shall be substituted the words " under this section in accordance with the provisions of section one of the Acquisition of Land (Authorisation Procedure) Act, 1946," and subsections (5) and (6) shall cease to have effect. In section fourteen, the expression " compulsory purchase order " shall mean an order made, or made and confirmed, in the like manner and subject to the like conditions as an order authorising a compulsory purchase under section thirteen, and notwithstanding anything in subsection (2) of section one of this Act or Part III of the First Schedule thereto a compulsory purchase order shall not be subject to special parliamentary procedure by reason only that it authorises the acquisition of any right such as is mentioned in subsection (1) of the said section fourteen, nor shall anything in the said Part III prevent the acquisition of any such right.	
The Air Navigation Act, 1936. (26 Geo. 5. & 1 Edw. 8. c. 44.)	In section nine, in subsection (1), the words from " by means of " to " confirmed ", and subsection (2), shall cease to have effect. The First Schedule shall cease to have effect.	
The Public Health Act, 1936. (26 Geo. 5. & 1 Edw. 8. c. 49.)	In section three hundred and six, for the words from " to purchase " to the beginning of the proviso there shall be substituted the words " by the Minister to purchase land compulsorily ".	
The Public Health (London) Act, 1936. (26 Geo. 5. & 1 Edw. 8. c. 50.)	In section sixty-nine, for subsections (2) and (3) there shall be substituted the following subsections :— " (2) The county council or a borough council may acquire by agreement any land for the purposes of this Part of this Act, and the county council may acquire any land for those purposes compulsorily if so authorised by the Minister of Health. (3) In the last foregoing subsection the expression ' land ' includes any right or easement in or over land. (4) In relation to the acquisition by agreement of any land for the purposes of this Part of this Act the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of land	

4TH SCH. —*cont.*	*Enactment amended.*	*Amendments.*
	The Public Health (London) Act, 1936. (26 Geo. 5. & 1 Edw. 8. c. 50.)—*cont.*	otherwise than by agreement) shall be incorporated with this Act; and (*a*) the provisions of the said Acts so incorporated which would be applicable in the case of a purchase of land shall be applicable in the case of a purchase of a right or easement in or over land; and (*b*) for the purposes of this Part of this Act the expression 'the promoters of the undertaking,' wherever used in the Lands Clauses Acts, shall be construed as meaning the county council or the borough council, as the case may be."
		In section one hundred and sixty-eight, in subsection (2), for the words from "to acquire" to the end of the proviso there shall be substituted the words "by the Minister to purchase land compulsorily for the purposes of this Part of this Act."
		The Third Schedule shall cease to have effect.
	The Housing Act, 1936. (26 Geo. 5. & 1 Edw. 8. c. 51.)	In section seventy-four, in subsection (1), for the words from "by means of" to the end of the subsection there shall be substituted the words "by the Minister", and subsection (4) shall cease to have effect.
		Section seventy-five shall cease to have effect.
		Subsection (2) of section one hundred and forty-two, sections one hundred and forty-three and one hundred and forty-four, and subsection (1) of section one hundred and forty-five, shall cease to have effect as respects the compulsory acquisition of land under Part V of the Act.
	The Trunk Roads Act, 1936. (1 Edw. 8 & 1 Geo. 6. c. 5.)	In the Fourth Schedule, in paragraph 6, in sub-paragraph (*a*), for the words "by them and confirmed" shall be substituted the words "if so authorised by the Minister", and paragraph (*b*) shall cease to have effect.
	The Harbours, Piers and Ferries (Scotland) Act, 1937. (1 Edw. 8. & 1 Geo. 6. c. 28.)	In section two, in subsection (1), after the word "may" there shall be inserted the words "be authorised by the Secretary of State to", and the words from "by means of" to the end of the subsection shall be omitted; in subsection (2), for the words from "and may purchase" to the end of the subsection there shall be substituted the words "and may be authorised

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Harbours, Piers and Ferries (Scotland) Act, 1937. (1 Edw. 8 & 1 Geo. 6. c. 28.)—*cont.*	by the Secretary of State to purchase the marine work compulsorily", and subsection (3) shall cease to have effect. The First Schedule shall cease to have effect.
The Children and Young Persons (Scotland) Act, 1937. (1 Edw. 8 & 1 Geo. 6. c. 37.)	In section one hundred and one, subsection (6) shall have effect in relation to the compulsory purchase of land as if it provided that a local authority or an education authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of any powers or duties conferred or imposed on them by that Act.
The Physical Training and Recreation Act, 1937. (1 Edw. 8. & 1 Geo. 6. c. 46.)	In section five, in subsection (1), for the words from "may purchase" to the end of the subsection there shall be substituted the words "may be authorised by the Minister of Health to purchase land compulsorily". In section ten, in subsection (6), after the word "acquire" there shall be inserted the words "by agreement or, if so authorised by the Secretary of State, compulsorily" and the words from "and if they" to the end of the subsection shall be omitted.
The Air-Raid Precautions Act, 1937. (1 & 2 Geo. 6. c. 6.)	In section five, for the words from "purchase land compulsorily" to the end of the section there shall be substituted the words "be authorised by the Secretary of State to purchase land compulsorily for any of the purposes of this Act". In section thirteen, in subsection (9), after the word "acquire" there shall be inserted the words "by agreement or, if so authorised by the Secretary of State, compulsorily" and the words from "and where they" to the end of the subsection shall be omitted.
The Fire Brigades Act, 1938 (1 & 2 Geo. 6. c. 72.)	In section one, in subsection (6), in paragraph (*b*), for the words "by means of an order made by the authority and confirmed" there shall be substituted the words "if authorised in that behalf". In section twenty-seven, subsection (3) shall cease to have effect. In section twenty-eight, in subsection (18), for the words from "shall have" to the end of the subsection there shall be substituted the words "may acquire by agreement, or, if so authorised by the Secretary of State, compulsorily, land for the purposes of their powers and duties under this Act".

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Civil Defence Act, 1939. (2 & 3 Geo. 6. c. 31.)	In section sixty-three, subsection (1) shall cease to have effect, and subsection (2) shall have effect as if it provided that notwithstanding anything in this Act an order for the compulsory acquisition of land under section five of the Air Raid Precautions Act, 1937 (either as originally enacted or as amended or applied by any provision of the Civil Defence Act, 1939) may, if the Minister thinks fit, be confirmed without public local inquiry or hearing, whether or not there has been an objection.
The London Government Act, 1939. (2 & 3 Geo. 6. c. 40.)	In section one hundred, after the word "authorised" there shall be inserted the words "by the Minister". Sections one hundred and one to one hundred and five shall cease to have effect. In section one hundred and fourteen, in subsection (1), paragraphs (*a*) and (*c*) shall cease to have effect, and paragraph (*b*) of that subsection and subsection (2) shall not apply to the compulsory purchase of land in a case falling within subsection (1) of section one of this Act. The Fourth Schedule shall cease to have effect.
The Education Act, 1944. (7 & 8 Geo. 6. c. 31.)	In section ninety, in subsection (1), for the words "by means of an order made by the authority and confirmed by the Minister" there shall be substituted the words "by the Minister", and the words from "and with respect to" to the beginning of the proviso shall be omitted, and in the proviso for the words "confirm a compulsory purchase order for" there shall be substituted the word "authorise".
The Housing (Temporary Provisions) Act, 1944. (7 & 8 Geo. 6. c. 33.)	In section two, for the reference to the First Schedule to the Housing Act, 1936, there shall be substituted a reference to the First Schedule to this Act, and for the words "causing a public local inquiry to be held" there shall be substituted the words "public local inquiry or hearing".
The Housing (Scotland) Act, 1944. (7 & 8 Geo. 6. c. 39.)	In section two, for the reference to the Second Schedule to the Housing (Scotland) Act, 1930, there shall be substituted a reference to the First Schedule to this Act, and for the words "causing a public local inquiry to be held" there shall be substituted the words "public local inquiry or hearing".

4TH SCH. —*cont*

Enactment amended.	*Amendments.*
The Water Act, 1945. (8 & 9 Geo. 6. c. 42.)	In relation to local authorities, the Act shall be amended as follows: In section twenty-four, in subsection (4), the words "by means of a compulsory purchase order made by them and confirmed", and subsections (5) to (9) shall cease to have effect. The Second Schedule shall cease to have effect. In the Third Schedule, in section 7, in subsection (1), the words "by means of a compulsory purchase order made by the undertakers and confirmed" shall cease to have effect; for the reference to the Second Schedule there shall be substituted a reference to this Act, and the words "order made" shall cease to have effect.
The Requisitioned Land and War Works Act, 1945. (8 & 9 Geo. 6. c. 43.)	In section twenty-six, in subsection (1), the words "by means of an order made by them and confirmed" shall be omitted. In section twenty-seven, in subsection (1), for the words from the beginning to the end of paragraph (*b*) there shall be substituted the words "The provisions of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to a purchase of land authorised under this Part of this Act subject to the following modifications, that is to say"; in sub-paragraph (i) of paragraph (*c*) of the said subsection (1), for the words "subsection (3) of the said section one hundred and sixty-one" there shall be substituted the words "paragraph 3 of the said First Schedule", and in sub-paragraph (ii) of the said paragraph (*c*), for the words "without causing a local inquiry to be held" there shall be substituted the words "authorising a compulsory purchase without public local inquiry or hearing"; and subsection (2) shall cease to have effect. In section fifty-five, in paragraph (*a*), for the reference to paragraph 4 of the Fourth Schedule to the Land Drainage Act, 1930 there shall be substituted a reference to paragraph 3 of the First Schedule to this Act, and in paragraph (*b*), for the words "causing a public inquiry to be held" there shall be substituted the words "public local inquiry or hearing".

4TH SCH. —*cont.*

Enactment amended.	*Amendments.*
The Water (Scotland) Act, 1946. (9 & 10 Geo. 6. c. 42.)	In section twenty, in subsection (4), the words " by means of a compulsory purchase order made by them and confirmed," and the words " under this section," and subsections (5) to (8) shall cease to have effect, and for subsection (9) there shall be substituted the following subsection— " (9) A local water authority may be authorised by the Secretary of State to purchase compulsorily, or may acquire by agreement, land for giving in exchange for land belonging to the National Trust for Scotland for Places of Historic Interest or Natural Beauty which is inalienable under section twenty-two of the Order confirmed by the National Trust for Scotland Order Confirmation Act, 1935, or for any land forming part of a common or open space, which they are authorised under this section to purchase compulsorily." The Second Schedule shall cease to have effect. In the Fourth Schedule, in section 7, in subsection (1), the words " by means of a compulsory purchase order made by the undertakers and confirmed " shall cease to have effect; for the reference to the Second Schedule there shall be substituted a reference to this Act, and the words " order made " shall cease to have effect.
The Police Act, 1946. (9 & 10 Geo. 6. c. 46.)	In section five, in subsection (3), after the words " Local Government Act, 1933," there shall be inserted the words " and the Acquisition of Land (Authorisation Procedure) Act, 1946." In section fifteen, the words "by means of an order made by the council and confirmed " shall cease to have effect.

FIFTH SCHEDULE.

Section 9.

PUBLIC LOCAL INQUIRIES IN SCOTLAND.

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.

5TH SCH. —*cont.*

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—

(i) 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

(ii) 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.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Section 10.

Session and Chapter.	Short title.	Extent of repeal.
41 & 42 Vict. c. 8.	The Public Parks (Scotland) Act, 1878.	In section six, paragraphs (3) to (5) and the proviso; sections eight to eleven and the Schedule.
49 & 50 Vict. c. 22.	The Metropolitan Police Act, 1886.	In section four, subsections (1) to (10).

6TH SCH. —*cont.*

Session and Chapter.	Short title.	Extent of repeal.
55 & 56 Vict. c. 43.	The Military Lands Act, 1892.	In section two, in paragraph (7), the words " or the council of a county or borough " and the words " or council ", wherever they occur, and in paragraph (9), the words " or by a council of a county or borough " ; in section eight, in subsection (3), the proviso.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Sections sixty and two hundred and sixty-two.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	In section thirty-three, subsection (3).
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	In section twenty-five, subsections (3) to (16).
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section one hundred and forty-five, paragraphs (1) to (15).
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	In section twenty-five, subsection (2) ; in section forty-one, in subsection (1), the words from " or which at that date " to the end ; in section forty-five, the words from " and the provisions " to the end.
9 & 10 Geo. 5. c. 83.	The Public Libraries Act, 1919.	In section six, the words from " in the same manner " to the end.
15 & 16 Geo. 5. c. 15.	The Housing (Scotland) Act, 1925.	In section fifty-one, in subsection (1), the proviso ; sections eighty-six to eighty-nine so far as relating to the compulsory purchase of land for the purpose of Part III of the Act.
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act, 1926.	In section seventeen, subsection (2).
20 & 21 Geo. 5. c. 40.	The Housing (Scotland) Act, 1930.	Section thirty-five ; in the Second Schedule, in the Heading to Part I, the words from " and subject " to the end of the heading, and Part II.
20 & 21 Geo. 5. c. 50.	The Public Works Facilities Act, 1930.	The whole Act.
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	In section forty-five, in subsection (2), the words from " by means of " to the end, and in subsection (3), the words " or any order made thereunder ", and the words from " or which is vested " to the end ; the Fourth Schedule.

6TH SCH. —*cont.*

Session and Chapter.	Short title.	Extent of repeal.
22 & 23 Geo. 5. c. 48.	The Town and Country Planning Act, 1932.	In section twenty-five, subsections (3) and (6); in the First Schedule, Part III; and in the Third Schedule, in Part I, paragraphs 1, 3 (iv) and 4 to 6, and Part II except paragraphs 3 and 4.
22 & 23 Geo. 5. c. 49.	The Town and Country Planning (Scotland) Act, 1932.	In section twenty-five, subsections (3) and (6); in the First Schedule, Part III; and in the Third Schedule, in Part I, paragraphs 1 and 4 to 6, and Part II except paragraphs 3 and 4.
25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Act, 1935.	Section sixty-four; in the Fifth Schedule, Part I so far as relating to Part II of the Second Schedule to the Housing (Scotland) Act, 1930.
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Deyelopment Act, 1935.	In section thirteen, in subsection (1), the words from " and if they are unable " to the beginning of the proviso, and subsections (5) and (6); in section twenty-five, paragraphs (7) and (8).
26 Geo. 5. & 1 Edw. 8. c. 44.	The Air Navigation Act, 1936.	In section nine, in subsection (1), the words from " by means of " to " confirmed ", and subsection (2); in section thirty-two, paragraphs (6) and (7); the First Schedule.
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	The Third Schedule.
26 Geo. 5. & 1 Edw. 8. c. 51.	The Housing Act, 1936.	In section seventy-four, subsection (4); section seventy-five.
1 Edw. 8. & 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	In section twelve, subsection (19); in the Fourth Schedule, in paragraph 6, sub-paragraph (*b*).
1 Edw. 8. & 1 Geo. 6. c. 28.	The Harbours, Piers and Ferries (Scotland) Act, 1937.	In section two, subsection (3); the First Schedule.
1 & 2 Geo. 6. c. 72.	The Fire Brigades Act, 1938.	In section twenty-seven, subsection (3).
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	In section sixty-three, subsection (1). In section ninety-one, in subsection (22), the words " and to the Local Government Act, 1933"; the word "respectively", and the words from " and to the enactments " to the end of the subsection.

6TH SCH. —*cont.*

Session and Chapter.	Short title.	Extent of repeal.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	Sections one hundred and one to one hundred and five; in section one hundred and fourteen, paragraphs (*a*) and (*c*); in section one hundred and eighty-eight, the proviso to subsection (1); and the Fourth Schedule.
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section ninety, in subsection (1), the words from " and with respect to " to the beginning of the proviso.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	In section fifty-three, in subsection (1), the words from the beginning to " but " in the proviso, and subsection (2).
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	In section fifty-one, in subsection (1), the words from the beginning to " but " in the proviso, and subsection (2).
8 & 9 Geo. 6. c. 37.	The Education (Scotland) Act, 1945.	The Fourth Schedule, so far as relating to section eleven of the Education (Scotland) Act, 1918.
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act, 1945.	In section twenty-six, in subsection (1), the words " by means of an order made by them and confirmed "; in section twenty-seven, subsection (2); in section sixty, subsection (10)
9 & 10 Geo. 6. c. 42.	The Water (Scotland) Act, 1946.	In section twenty, in subsection (4), the words " by means of a compulsory purchase order made by them and confirmed ", and the words " under this section ", and subsections (5) to (8); the Second Schedule. In the Fourth Schedule, in section 7, in subsection (1), the words " by means of a compulsory purchase order made by the undertakers and confirmed " and the words " order made ".

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