SCHEDULE

(*d*)

Dated the day of 19 .

[Town Clerk] [Clerk of the Council] [Secretary].

Notes

(*a*) Insert the appropriate provision.
(*b*) Insert the terms of the certificate.
(*c*) The place for inspection should be within the locality.
(*d*) Insert description of the land to which the certificate relates.

Given under the official seal of the Minister of Health this twenty-second day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

LAND, ACQUISITION OF, SCOTLAND

The Compulsory Purchase of Land (Scotland) Regulations, 1949

1949 No. 1888 (S. 126)

Made - - - - *8th October,* 1949
Coming into Operation *1st November,* 1949

In exercise of the powers conferred on me by the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Compulsory Purchase of Land (Scotland) Regulations, 1949, and shall come into operation on the 1st day of November, 1949.

2. The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The forms set out in the Schedule hereto or forms substantially to the like effect shall be the forms to be used after the coming into operation of these regulations for the purpose of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, in the cases to which those forms are applicable.

4. The Town and Country Planning (Scotland) Act, 1945 (Particulars and Forms of Orders and Notices) Regulations, 1946(**c**), and the Compulsory Purchase of Land (Scotland) Regulations, 1947(**d**), are hereby revoked.

Dated this 8th day of October, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House
Edinburgh.

(**a**) 10 & 11 Geo. 6. c. 42. (**b**) 52 & 53 Vict. c. 63. (**c**) S.R. & O. 1946 (No. 548) I, p. 1645.
(**d**) S.R. & O. 1947 (No. 1685) I, p. 1236.

THE SCHEDULE

List of Forms

Form No. 1. Form of compulsory purchase order not providing for expedited completion.
Form No. 2. Form of advertisement of the making of a compulsory purchase order not providing for expedited completion.
Form No. 3. Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order not providing for expedited completion.
Form No. 4. Form of notice of confirmation, or making by a Minister, of a compulsory purchase order not providing for expedited completion.
Form No. 5. Form of compulsory purchase order providing under s. 36 of the Town and Country Planning (Scotland) Act, 1947, for expedited completion.
Form No. 6. Form of advertisement of the making of a compulsory purchase order providing under s. 36 of the Town and Country Planning (Scotland) Act, 1947, for expedited completion.
Form No. 7. Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order providing under s. 36 of the Town and Country Planning (Scotland) Act, 1947, for expedited completion.
Form No. 8. Form of notice of confirmation of a compulsory purchase order providing under s. 36 of the Town and Country Planning (Scotland) Act, 1947, for expedited completion.
Form No. 9. Form of advertisement of granting of certificate under Part III of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.

Form No. 1

Form of Compulsory Purchase Order not providing for Expedited Completion

The (*a*) *Act*, 1 ,
and the Acquisition of Land (*Authorisation Procedure*) (*Scotland*) *Act*, 1947

[*The* (*b*) *Act*(*s*), 1]

The (*c*) hereby make the following order:

1. Subject to the provisions of this order the said (*c*) are, under section of the Act, 1 , hereby authorised to purchase compulsorily for the purpose of (*d*) the land which is described in the (*e*) [first] schedule hereto and is delineated and coloured on the map prepared in duplicate, signed and sealed with reference to this order and marked " Map referred to in the Compulsory Purchase Order 19 ". One duplicate of the map is deposited in the offices of the said (*c*) and the other is deposited in the offices of the (*f*).

(*g*) [2. For the purposes of this order section 127 of the Lands Clauses Consolidation (Scotland) Act, 1845, shall not be incorporated with the enactment under which the foregoing purchase is authorised.]

(*h*) [3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation Act, 1845 [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that (*i*) .]

(*j*) [4. The land which is described in the second schedule to this order and coloured on the map hereinbefore referred to, being land which is to be given in exchange for the land described (*k*) [as] in the first schedule hereto, shall, as from the date on which this order becomes operative

or as from the date on which the land for which it is to be given in exchange or any of it, is vested in the said (*c*), , whichever is the later, vest in the persons by whom the said last-mentioned land was held immediately prior to its vesting in the said , subject to the like rights, trusts and incidents as attached thereto, and the said last-mentioned land shall thereupon be discharged from the rights, trusts and incidents to which it was previously subject.]

5. The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

6. This order may be cited as the Compulsory Purchase Order, 19 . (*l*)

(*e*) [FIRST] SCHEDULE

Number on map (1)	Quantity, description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (other than tenants for a month or less period than a month) (5)
(*m*)				

[SECOND SCHEDULE

(*n*)

]

Notes

(*a*) Insert short title of Act authorising compulsory purchase.

(*b*) Where the purpose for which the land is to be acquired as stated in article 1 of the order is contained in an Act or Acts other than the Act authorising compulsory purchase, here insert the short or collective title of such Act or Acts.

(*c*) Insert name of authority making the order.

(*d*) The description of the purpose should be precise, and, if possible, in the terms of the statutory provision, but not merely by reference thereto.

(*e*) Omit "first" if article 4 is omitted.

(*f*) Insert the name of the confirming authority.

(*g*) This article should be omitted in the case of an order under the Housing (Scotland) Acts, and is optional in other cases.

(*h*) This article may be omitted or may be inserted with or without the reference to sections 71 to 78.

(*i*) The modifications required should be indicated, e.g., by the provision—"references in the said [section] [sections] to the company shall be construed as references to the said and that references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon."

(*j*) Omit if unnecessary.

(*k*) If part only of the land described in the first schedule falls within para. 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, here insert for the purpose of identification the map number(s) of such part as given in col. 1 of the first schedule.

(*l*) Authenticate in the manner appropriate to the authority making the order.

(*m*) Col. (1) need not be completed where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered on the map and referred to accordingly in col. (1).

(*n*) Insert description of land to be given in exchange. Omit schedule if article 4 is omitted.

FORM NO. 2

FORM OF ADVERTISEMENT OF THE MAKING OF A COMPULSORY PURCHASE ORDER NOT PROVIDING FOR EXPEDITED COMPLETION

(*a*) *The* *Act*, 1 ,
and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947

[*The* *Act(s)*, 1]

Notice is hereby given that the (*b*) , in exercise of the powers conferred on them by the above-mentioned Acts, on the day of 19 , made a compulsory purchase order entitled the which is about to be submitted to the (*c*) for confirmation, authorising them to purchase compulsorily for the purpose of (*d*) the land described in the schedule hereto.

A copy of the order and the map referred to therein have been deposited at (*e*) and may be seen there without payment of fee between the hours of and .

Any objection to the order must be made in writing and addressed to (*f*) on or before the (*g*) day of 19 , and should state the grounds of objection.

Dated the day of 19 .

(Signature and designation of authorised officer)

SCHEDULE

(*h*)

Notes

(*a*) The heading and sub-heading should be in the form in which they are included in the order.

(*b*) Insert name of authority making the order.

(*c*) Insert name of confirming authority.

(*d*) Insert purpose as stated in the order.

(*e*) The place of deposit must be " within the locality ".

(*f*) Insert name and address of confirming authority.

(*g*) Insert date not less than 21 days from the first publication of the advertisement.

(*h*) Insert description of land comprised in the order. This need not be in the form of the schedule to the order, but must be in a form from which persons interested can readily ascertain whether their land is included.

FORM NO. 3

FORM OF NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER NOT PROVIDING FOR EXPEDITED COMPLETION.

(*a*) *The* *Act*, 1 ,
and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947

[*The* *Acts(s)*, 1]

Take notice that the (*b*) , in exercise of the powers conferred on them by the above-mentioned Acts, on the day

of 19 , made a compulsory purchase order entitled the which is about to be submitted to the (*c*) for confirmation, authorising them to purchase compulsorily for the purpose of (*d*) the land described in the schedule hereto.

A copy of the order and the map referred to therein have been deposited at (*e*) and may be seen there without payment of fee between the hours of and .

Any objection to the order must be made in writing and addressed to (*f*) on or before the (*g*) day of 19 , and should state the grounds of objection.

If no objection is duly made by an owner, lessee or occupier (except tenants for a month or any less period than a month), or if all objections so made are withdrawn, or if the confirming authority is satisfied that every objection duly made (*h*) [either] relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed [or amounts in substance to an objection to the provisions of the development plan defining the proposed use of the land comprised in the order or any other land], the confirming authority may, if it thinks fit, confirm the order with or without modifications. In any other case where an objection has been duly made by an owner, lessee or occupier (other than a tenant for a month or less) the confirming authority is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the confirming authority for that purpose, and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order with or without modifications.

(*i*) [Under s. 38 of the Town and Country Planning (Scotland) Act, 1947, any person having an interest in any building included in the order may, within 28 days after the service of this notice, apply to the sheriff for an order staying further proceedings on the compulsory purchase order, and if the sheriff is satisfied that reasonable steps are being taken for properly preserving the building he must make an order accordingly].

Dated the day of , 19 .

(Signature and designation of authorised officer.)

SCHEDULE

Notes

(*a*) The heading and sub-heading should be in the form in which they are included in the order.

(*b*) Insert name of authority making the order.

(*c*) Insert name of confirming authority.

(*d*) Insert purpose as stated in the order.

(*e*) The place of deposit must be " within the locality ".

(*f*) Insert name and address of confirming authority.

(*g*) Insert date not less than 21 days from the service of the notice.

(*h*) Omit words in square brackets if land is not designated in a development plan as subject to compulsory acquisition.

(*i*) Insert where order is made under s. 38 of the Town and Country Planning (Scotland) Act, 1947.

(*j*) Insert description of land comprised in the order. This need not be in the form of the schedule to the order, but must be in a form from which persons interested can readily ascertain whether their land is included.

FORM NO. 4

FORM OF NOTICE OF CONFIRMATION, OR MAKING BY A MINISTER, OF COMPULSORY PURCHASE ORDER NOT PROVIDING FOR EXPEDITED COMPLETION

(*a*) *The* *Act*, 1 .
and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.

[*The* *Act(s)*, 1 .]

Notice is hereby given that , in exercise of the powers conferred on [him] [them] by the above-mentioned Acts, on the day of , 19 , [confirmed] [with modifications] [made] a compulsory purchase order entitled the [submitted by the].

The order [as confirmed] provides for the purchase for the purpose of (*b*) of the land described in the (*c*) [first] schedule hereto. [By a direction given under section 42 of the Town and Country Planning (Scotland) Act, 1947, consideration of the order, so far as it relates to the land described in the second schedule hereto, has been postponed until].

A copy of the order [as confirmed] and of the map referred to therein have been deposited at(*d*) and may be seen there without payment of fee between the hours of and .

(*e*) [The order as [confirmed] [made] becomes operative on the (*f*) day of 19 , but if application is made to the Court of Session under pararaph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, within a period of six weeks from that date by any person aggrieved by the order who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the order, or any provision contained therein, either generally or in so far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made thereunder not having been complied with, quash the order or any provision contained therein either generally or in so far as it affects any property of the applicant].

[The order as [confirmed] [made], being subject to special parliamentary procedure, will become operative as provided by the Statutory Orders (Special Procedure) Act, 1945. Except in a case where the order is confirmed by an Act of Parliament under section 2 (4) as read with section 10 or under section 6 of the said Statutory Orders (Special Procedure) Act, 1945, if application is made to the Court of Session under paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, within a period of six weeks from the date on which the order becomes operative as aforesaid by any person aggrieved by the order who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the order or any provision contained therein either generally or in so far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made thereunder not having been complied with, quash the order or any provision contained therein either generally or in so far as it affects any property of the applicant.]

Dated the day of 19 .

(Signature and designation of authorised officer.)

(*c*)[FIRST] SCHEDULE

Land comprised in the order [as confirmed].

[SECOND SCHEDULE

Land in respect of which consideration of the order has been postponed

]

Notes

(*a*) The heading and sub-heading should be in the form in which they are included in the order.

(*b*) Insert purpose as stated in the order.

(*c*) Omit the words in square brackets where inappropriate.

(*d*) The place of deposit should be within the locality.

(*e*) This paragraph or the following one, whichever is appropriate, should be inserted.

(*f*) Insert date on which the notice is first published.

FORM NO. 5

FORM OF COMPULSORY PURCHASE ORDER PROVIDING UNDER S. 36 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1947, FOR EXPEDITED COMPLETION.

The Town and Country Planning (Scotland) Act, 1947, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947

The (*a*) hereby make the following order:—

1. Subject to the provisions of this order the said (*a*) are, under section [35] [40] of the Town and Country Planning (Scotland) Act, 1947, hereby authorised to purchase compulsorily for the purpose of(*b*) the land which is described in the (*c*)[first] schedule hereto and is delinated and coloured on the map prepared in duplicate, sealed with the common seal of the said(*a*) and marked " Map referred to in the Compulsory Purchase Order, 19 ." One duplicate of the map is deposited in the offices of the said(*a*) and the other is deposited in the offices of the Secretary of State for Scotland.

(*d*)[2. For the purposes of this order section 127 of the Lands Clauses Consolidation (Scotland) Act, 1845, shall not be incorporated with the enactment under which the foregoing purchase is authorised.]

(*e*)[3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that(*f*)

4. Application is hereby made to the Secretary of State for the inclusion in the order as confirmed by him of a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto) providing for expedited completion of purchase shall apply to this order as respects [the whole of the land comprised herein] [so much of the land comprised herein as is hatched on the map].

5. For the purposes of clause (*b*) of sub-paragraph (3) of paragraph 1 of the said Sixth Schedule a long tenancy which is about to expire shall be a tenancy expiring on or before the date entered in column (6) of the (*c*)[first] schedule hereto(*g*) in respect of any tenancy described therein.

(*h*)[6. The period of is hereby substituted for the period of two months for the purposes of the operation of sub-paragraph (2) of paragraph 3 of the said Sixth Schedule.]

(*i*)[7. The land which is described in the second schedule to this order and coloured on the map hereinbefore referred to, being land which is to be given in exchange for the land described (*j*) [as] in the first schedule hereto, shall, as from the date on which this order becomes operative or as from the date on which the land for which it is to be given in exchange, or any of it, is vested in the said (*a*) whichever is the later, vest in the persons by whom the said last-mentioned land was held immediately prior to its vesting in the said (*a*) , subject to the like rights, trusts and incidents as attached thereto, and the said last-mentioned land shall thereupon be discharged from the rights, trusts and incidents to which it was previously subject.]

8. The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

9. This order may be cited as the Compulsory Purchase Order, 19 .

(*k*)

(*c*) [FIRST] SCHEDULE

Number on map	Quantity, description, and situation of the land	Owners or reputed owners	Lessees or reputed lessees	Occupiers (other than tenants for a month or less period than a month)	Date defining a long tenancy about to expire
(1)	(2)	(3)	(4)	(5)	(6)
(*l*)					

[SECOND SCHEDULE

(*m*)

]

Notes

(*a*) Insert name of authority making the order.

(*b*) The description of the purpose should be precise, and, if possible, in the terms of the statutory provision, but not merely by reference thereto.

(*c*) Omit " first " if article 7 is omitted.

(*d*) This article is optional.

(*e*) This article may be omitted or may be inserted with or without the reference to sections 71 to 78.

(*f*) The modifications required should be indicated, e.g. by the provision— " references in the said [section] [sections] to the company shall be construed as references to the said and that references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon ".

(*g*) The date inserted in col. (6) of the [first] schedule shall be at least a year later than the estimated date of the recording of the order, if confirmed, in the appropriate Register of Sasines.

(*h*) Insert this article where it is desired to take advantage of the proviso to paragraph 3 (2) of the Sixth Schedule.

(*i*) Omit if unnecessary.

(*j*) If part only of the land described in the first schedule falls within paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, here insert for the purpose of identification the map number(s) of such part as given in col. (1) of the first schedule.

(*k*) Authenticate in the manner appropriate to the authority making the order.

(*l*) Col. (1) need not be completed where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered on the map and referred to accordingly in col. (1).

(*m*) Insert description of land to be given in exchange. Omit schedule if article 7 is omitted.

FORM NO. 6

FORM OF ADVERTISEMENT OF THE MAKING OF A COMPULSORY PURCHASE ORDER PROVIDING UNDER S. 36 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1947, FOR EXPEDITED COMPLETION

The Town and Country Planning (Scotland) Act, 1947, *and the Acquisition of Land (Authorisation Procedure) (Scotland) Act,* 1947

Notice is hereby given that the (*a*) , in exercise of the powers conferred on them by the above-mentioned Acts, on the day of 19 , made a compulsory purchase order entitled the
which is about to be submitted to the Secretary of State for Scotland for confirmation, authorising them to purchase compulsorily for the purpose of (*b*) the land described in the schedule hereto.

A copy of the order and the map referred to therein have been deposited at (*c*) and may be seen there without payment of fee between the hours of and .

Application is included in the order for a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto) providing for expedited completion of purchase shall apply to the order as respects [the whole of the land comprised therein] [so much of the land comprised therein as is hatched on the map referred to therein]. The general effect of such application of the Sixth Schedule is set out below, but reference should be made to the Sixth Schedule itself for its precise operation.

(i) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as applicable to the purchase, would have effect as if notices to treat had been served on the date on which the order is recorded in the appropriate Register of Sasines. In the case of short tenancies, and long tenancies about to expire, notices would not be deemed to have been served, and actual notices to treat would require to be served.

(ii) The said(*a*) would be entitled, after the execution of a declaration, to enter on and take possession of the land in the area designated by the declaration at the expiration of the period specified therein, and such land would vest in the said(*a*).

Any objection to the order must be made in writing and addressed to the Secretary of State(*d*) on or before the(*e*) day of 19 , and should state the grounds of objection.

Dated the day of , 19 .

(Signature and designation of authorised officer.)

SCHEDULE

(*f*)

Notes

(*a*) Insert name of authority making the order.

(*b*) Insert purpose as stated in the order.

(*c*) The place of deposit must be " within the locality ".

(*d*) Insert address.

(*e*) Insert date not less than 21 days from the first publication of the notice.

(*f*) Insert description of land comprised in the order. This need not be in the form of the schedule to the order, but must in a form from which persons interested can readily ascertain whether their land is included.

FORM NO. 7

FORM OF NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER PROVIDING UNDER S. 36 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1947, FOR EXPEDITED COMPLETION

The Town and Country Planning (Scotland) Act, 1947, *and the Acquisition of Land (Authorisation Procedure) (Scotland) Act,* 1947

Take notice that the(*a*) , in exercise of the powers conferred on them by the above-mentioned Acts, on the day of 19 , made a compulsory purchase order entitled the which is about to be submitted to the Secretary of State for Scotland for confirmation, authorising them to purchase compulsorily for the purpose of (*b*) the land described in the schedule hereto.

A copy of the order and the map referred to therein have been deposited at (*c*) and may be seen there without payment of fee between the hours of and

Application is included in the order for a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto) providing for expedited completion of purchase shall apply to the order as respects [the whole of the land comprised therein] [so much of the land comprised therein as is hatched on the map referred to therein]. The general effect of such application of the

Sixth Schedule is set out below, but reference should be made to the Sixth Schedule itself for its precise operation:—

(*a*) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as applicable to the purchase, would have effect as if notices to treat had been served on the date on which the order is recorded in the appropriate Register of Sasines. In the case of short tenancies, and long tenancies about to expire, notices would not be deemed to have been served.

(*b*) The said(*a*) would be entitled, after the execution of a declaration, to enter on and take possession of the land in the area designated by the declaration at the expiration of the period specified therein, and such land would vest in the said (*a*).

Any objection to the order must be made in writing and addressed to the Secretary of State(*d*) on or before the(*e*) day of 19 , and should state the grounds of objection.

If no objection is duly made by an owner, lessee or occupier, (except tenants for a month or any less period than a month) or if all objections so made are withdrawn, or if the Secretary of State is satisfied that every objection duly made (*f*)[either] relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed [or amounts in substance to an objection to the provisions of the development plan defining the proposed use of the land comprised in the order or any other land], the Secretary of State may, if he thinks fit, confirm the order with or without modifications. In any other case where an objection has been duly made by an owner, lessee or occupier (other than a tenant for a month or less) the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose, and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order with or without modifications.

Dated the day of , 19 .

(Signature and designation of authorised officer.)

SCHEDULE

(*g*)

Notes

(*a*) Insert name of authority making the order.

(*b*) Insert purpose as stated in the order.

(*c*) The place of deposit must be " within the locality ".

(*d*) Insert address.

(*e*) Insert date not less than 21 days from the service of the notice.

(*f*) Omit words in square brackets if land is not designated in a development plan as subject to compulsory acquisition.

(*g*) Insert description of land comprised in the order. Such description need not be in the form of the schedule to the order, but must be in a form from which persons interested can readily ascertain whether their land is included.

FORM NO. 8

FORM OF NOTICE OF CONFIRMATION OF COMPULSORY PURCHASE ORDER PROVIDING UNDER S. 36 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1947, FOR EXPEDITED COMPLETION

The Town and Country Planning (Scotland) Act, 1947, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947

Notice is hereby given that the Secretary of State for Scotland [and (*a*)], in exercise of the powers conferred on [him] [them] by the above-mentioned Acts, on the day of , 19 , confirmed [with modifications] a compulsory purchase order entitled the submitted by the(*b*)

The order as confirmed provides for the purchase for the purpose of(*c*) of the land described in the (*d*)[first] schedule hereto. [By a direction given under section 42 of the Town and Country Planning (Scotland) Act, 1947, consideration of the order, so far as it relates to the land described in the second schedule hereto, has been postponed until .]

A copy of the order as confirmed and of the map referred to therein have been deposited at(*e*) and may be seen there without payment of fee between the hours of and .

The order as confirmed contains a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto), providing for expedited completion of purchase shall apply to the order as respects [the whole of the land comprised therein] [so much of the land comprised therein as is hatched on the map referred to therein].

Any person entitled to claim compensation in respect of any of the land to which the Sixth Schedule applies, or in respect of any interest in any such land, may send to the(*b*) his name and postal address, a description of the land in which he has an interest sufficient to enable them to identify the extent and boundaries thereof, and particulars of his interest in the land, of any leases and tenancy of, and any heritable securities and other real burdens and encumbrances affecting the land, and of any war damage sustained by the land.

Provision as to entry on and vesting of the land is contained in sub-paragraph (4) of paragraph 3 of the Sixth Schedule. The general effect of this provision is set out below but reference should be made to the Sixth Schedule itself for its precise operation.

(i) The said(*b*) shall be entitled on the expiration of the period (not being less than 28 days) specified in a declaration executed by them to enter on and take possession of the land in the area designated by the declaration without previous consent or compliance with sections 83-88 of the Land Clauses Consolidation (Scotland) Act, 1845. The earliest date at which such a declaration may be executed is the expiration of a period of(*f*) [2 months] [ ] from the date of the recording of the Order in the Register of Sasines.

(ii) On the recording of a Notice of Title in the appropriate Register of Sasines the said land shall vest in the said(*b*) .

(iii) The said(*b*) will be liable to pay the like compensation and interest as would have been payable if the provisions of the 1845 Act had been complied with.

There are exceptions from the position as indicated above in the case of short tenancies [and] long tenancies about to expire [and certain properties of which the Order provides for purchase in part only].

(*g*)[The order as confirmed becomes operative on the(*h*) day of , 19 , but if application is made to the Court of Session under paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, within a period of six weeks from that date by any person aggrieved by the order who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the order or any provision contained therein either generally or in so far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made thereunder not having been complied with, quash the order or any provision contained therein either generally or in so far as it affects any property of the applicant.]

[The order as confirmed, being subject to special parliamentary procedure, will become operative as provided by the Statutory Orders (Special Procedure) Act, 1945. Except in a case where the order is confirmed by an Act of Parliament under section 2 (4) as read with section 10 or under section 6 of the said Statutory Orders (Special Procedure) Act, 1945, if application is made to the Court of Session under paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, within a period of six weeks from the date on which the order becomes operative as aforesaid by a person aggrieved by the order who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the order or any provision contained therein either generally or in as far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made thereunder not having been complied with, quash the order or any provision contained therein either generally or in so far as it affects any property of the applicant.]

Dated the day of , 19 .

(Signature and designation of authorised officer.)

(*d*)[FIRST] SCHEDULE

Land comprised in the order as confirmed.

[SECOND SCHEDULE

Land in respect of which consideration of the order has been postponed

]

Notes

(*a*) Insert name of any Minister who, under section 42(4) of the Town and Country Planning (Scotland) Act, 1947, joins in the confirmation of the order.

(*b*) Insert name of authority making the order.

(*c*) Insert purpose as stated in the order.

(*d*) Omit the words in square brackets where inappropriate.

(*e*) The place of deposit should be within the locality.

(*f*) Two months will apply unless a shorter period is prescribed in the order (see article 6 in Form No. 5).

(*g*) This paragraph or the following one, whichever is appropriate, should be inserted.

(*h*) Insert date on which the notice is first published.

FORM NO. 9

FORM OF ADVERTISEMENT OF GRANTING OF CERTIFICATE UNDER PART III OF FIRST SCHEDULE TO THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT, 1947

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

Whereas the Compulsory Purchase Order, 19 ,

which has been [submitted by to the for confirmation] [prepared in draft by] includes the land described in the schedule hereto ;

(*a*)[And whereas the said land was acquired by for the purposes of their undertaking and the Minister of is satisfied that [it is used] [an interest is held in it] for the purposes of the carrying on of their undertaking:]

[And whereas the said land [is] [forms part of] [a common] [an open space]:]

[And whereas the said land [is] [is the site of] [an ancient monument] [an object of archaeological interest]:]

Notice is hereby given that the [Secretary of State] [Minister of] in exercise of the powers conferred on him by paragraph [10] [11] [12] of Part III of the First Schedule to the above-mentioned Act has certified(*b*) .

A map showing the land to which the certificate relates [and the land proposed to be given in exchange] may be inspected at(*c*) without payment of fee between the hours of and .

The certificate becomes operative on the(*d*) day of , 19 , but if application is made to the Court of Session under paragraph 15 of the First Schedule aforesaid within a period of six weeks from that date by any person aggrieved by the certificate who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the certificate either generally or in so far as it affects any property of the applicant, and may, if satisfied that the interests of the applicant have been substantially prejudiced by any requirement of the First Schedule aforesaid or of any regulation made thereunder not having been complied with, quash the certificate either generally or in so far as it affects any property of the applicant.

Dated the day of , 19 .

(Signature and designation of authorised officer.)

SCHEDULE

(*e*)

Notes

(*a*) Insert the appropriate provision.

(*b*) Insert the terms of the certificate.

(*c*) The place for inspection should be within the locality.

(*d*) Insert date on which the notice is first published.

(*e*) Insert description of the land to which the certificate relates.