16. STOPPING UP OF HIGHWAYS

The Stopping Up of Highways (Concurrent Proceedings) (Scotland) Regulations, 1948

1948 No. 1349 (S. 105)

Made - - - -	*19th June*, 1948
Laid before Parliament	*23rd June*, 1948
Coming into Operation	*1st July*, 1948

The Minister of Transport (hereinafter referred to as " the Minister "), in exercise of the powers conferred upon him by subsection (5) of section 46 of the Town and Country Planning (Scotland) Act, 1947 (hereinafter referred to as " the Act ") and of all other powers enabling him in that behalf, hereby makes the following Regulations:— 10 & 11 Geo. 6. c. 53.

1. These Regulations shall come into operation on the 1st day of July, 1948, and may be cited as " The Stopping Up of Highways (Concurrent Proceedings) (Scotland) Regulations, 1948 ".

2. Where in pursuance of paragraph 1 of the Sixth Schedule to the Act, the Minister publishes a notice relating to an order which he proposes to make under subsection (1) of section 46 of the Act for the stopping up or diversion of any highway, the subsequent provisions of these Regulations shall apply.

3. The publication of any notice which the Minister or a local highway authority would be required to effect in pursuance of paragraphs 3 and 7 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, for the purpose of being authorised under subsection (3) of section 46 of the Act to acquire land compulsorily for the purpose of providing or improving any highway which is to be provided or improved in pursuance of the said order or for any other purpose for which land is required in connection with that order may be effected, notwithstanding that the said order has not been made, at the same time as the publication of the notice referred to in Regulation 2 of these Regulations or at any time thereafter concurrently with any proceedings required to be taken for the purposes of the said order. 10 & 11 Geo. 6. c. 42.

4. All other proceedings which would be required to be taken in pursuance of the said First Schedule for the purpose of authorising the Minister or the local highway authority, as the case may be, under subsection (3) of the said section 46 to acquire land compulsorily as aforesaid, may be taken, notwithstanding that the said order has not been made, concurrently with any proceedings required to be taken for the purposes of the said order:

Provided that nothing in this Regulation shall be taken to authorise the Minister to make or, as the case may be, to confirm any order authorising the compulsory acquisition of land under section 1 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, until after the relevant order under section 46 of the Act has been made and become operative.

52 & 53 Vict. c. 63.

5. The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport this nineteenth day of June, 1948.

(L.S.)

Alfred Barnes,
The Minister of Transport.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

Section 46 of the Town and Country Planning (Scotland) Act, 1947, empowers the Minister of Transport for development purposes by order to authorise the stopping up or diversion of any highway and the provision or improvement of any other highway. The section also enables the Minister or a local highway authority to be authorised to acquire land for the purposes of such an order. These Regulations make provision for enabling the proceedings relating to the compulsory acquisition of the land to be taken concurrently with the proceedings required to be taken for the purpose of the order under section 46.

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17. TREE PRESERVATION ORDER

The Town and Country Planning (Tree Preservation Order) (Scotland) Regulations, 1948

1948 No. 1781 (S. 157)

Made - - - -	*28th July,* 1948
Laid before Parliament	*29th July,* 1948
Coming into Operation	*1st August,* 1948

In exercise of the powers conferred on me by sections 26 and 107 of the Town and Country Planning (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 Town and Country Planning (Tree Preservation Order) (Scotland) Regulations, 1948, and shall come into operation on the first day of August, 1948.

2.—(1) In these regulations unless the context otherwise requires—

" the Act " means the Town and Country Planning (Scotland) Act, 1947;

" order " means a tree preservation order made under section 26 of the Act and includes an order amending or revoking such an order;

" notice by advertisement " in relation to an order means a notice published in a newspaper circulating in the locality in which the subject matter of the order is situate.

(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.

(a) 10 & 11 Geo. 6. c. 53. (b) 52 & 53 Vict. c. 63.