CHAPTER 17.

An Act to consolidate the enactments relating to town planning in Scotland. [9th April 1925.]

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 :—

Town planning schemes.

1.—(1) A town planning scheme may be made in accordance with the provisions of this Act with respect to any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land, and of any neighbouring lands :

Provided that, where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes that the general object of the scheme would be better secured by its inclusion in any town-planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(2) Where it appears to the Scottish Board of Health (hereinafter referred to as the Board) that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient that with a view to preserving the existing character and to protecting the existing features of the locality a town planning scheme should be made with respect to any area comprising that locality, the Board may, notwithstanding that the land or any part thereof is already developed, authorise a town planning scheme to be made with respect to that area prescribing the space

about buildings, or limiting the number of buildings to be erected, or prescribing the height or character of buildings, and, subject as aforesaid, the provisions of this Act shall apply accordingly.

(3) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Board, whether land is likely to be used for building purposes or not, shall be final and conclusive.

Power of local authorities to prepare or adopt town planning schemes.

2.—(1) A local authority may by resolution decide—

(*a*) to prepare a town planning scheme with respect to any land within, or in the neighbourhood of, their district in regard to which a scheme may be made under this Act; or

(*b*) to adopt, with or without any modifications, any town planning scheme proposed by all or any of the owners of any land with respect to which the local authority are themselves by this Act authorised to prepare a scheme:

Provided that—

(i) any such resolution shall be forthwith notified to the Board;

(ii) if any such resolution extends to land not within the district of the local authority, the resolution shall not have effect until it is approved by the Board, and the Board may, in giving their approval, vary the extent of the land to be included within the area of the proposed town planning scheme; and

(iii) where any local authorities are desirous of acting jointly in the preparation or adoption of a town-planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such committee any powers which the

appointing local authorities might exercise for the purpose, and the provisions of section seventy-six of the Local Government (Scotland) Act, 1889 (which relates to the appointment of joint committees), shall, with the necessary modifications, apply to any joint committee so appointed. 52 & 53 Vict. c. 50.

(2) A town planning scheme prepared or adopted by a local authority shall not have effect, unless it is approved by order of the Board, and the Board may refuse to approve any scheme, except with such modifications and subject to such conditions as they think fit to impose.

(3) A town planning scheme, when approved by the Board, shall have effect as if it were enacted in this Act.

(4) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Act, or in manner provided by regulations made by the Board under this Act, and the Board, on the application of the responsible authority or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

Duty of local authority to prepare town planning scheme.

3.—(1) The council of every burgh containing a population, according to the census taken in the year nineteen hundred and twenty-one, of more than twenty thousand, and any other local authority, if required by the Board, shall, before the first day of January, nineteen hundred and twenty-nine, prepare and submit to the Board a town planning scheme with respect to all land within the district of such council or other local authority in regard to which a town planning scheme may be made under this Act.

(2) Without prejudice to the powers of the council or other local authority under this Act, every scheme to which this section applies shall deal with such matters as may be determined by regulations to be made by the Board.

Development of estates pending preparation of town planning schemes.

4. The Board may by special or general order provide that where a resolution to prepare or adopt a town planning scheme has been passed, or where before the nineteenth day of August nineteen hundred and nineteen, or by virtue of any of the provisions of this Act, the preparation, adoption or making of a town planning scheme has been authorised, the development of estates and building operations may be permitted to proceed pending the preparation, adoption or making and approval of the town planning scheme, subject to such conditions as may be prescribed by the order.

Contents of town planning schemes.

5.—(1) The Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the First Schedule to this Act, and the general provisions or set of general provisions appropriate to the area with respect to which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Board for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme—

(*a*) defining in such manner as may be prescribed by regulations under this Act the area to which the scheme is to apply; and

(*b*) defining the authority who are to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or this Act are to be executed by a local authority (in this Act referred to as the responsible authority); and

(*c*) providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions; and

(*d*) providing for the suspension, so far as necessary for the proper carrying out of the scheme, of any statutory enactments, byelaws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme.

(3) Where land included in a town planning scheme is in the district of more than one local authority, or is in the district of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

(4) All general provisions made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act, and as if the said section one applied to Scotland with the substitution of the Edinburgh Gazette for the London Gazette. 56 & 57 Vict. c. 66.

Procedure regulations of the Board.

6.—(1) The Board may make regulations for regulating generally the procedure to be adopted—

(*a*) with respect to the preparation or adoption of a town planning scheme; and

(*b*) with respect to obtaining the approval of the Board to a scheme so prepared or adopted; and

(*c*) with respect to the variation or revocation of a scheme; and

(*d*) with respect to any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto or in relation to the carrying out of the scheme or enforcing the observance of the provisions

thereof or the variation or revocation of the scheme.

(2) Provision shall be made by those regulations—

(*a*) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme by such means as may be provided by the regulations;

(*b*) for securing that notice of the proposal to prepare or adopt a scheme should be given at the earliest stage possible to any council interested in the land;

(*c*) for securing that the council of the county in which any land proposed to be included in a town planning scheme is situated shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made, and shall be entitled to be heard at any public local inquiry held by the Board in regard to the scheme;

(*d*) for securing that a local authority after passing a resolution to prepare or adopt a scheme shall proceed with all reasonable speed with the preparation or adoption of the scheme, and shall comply with any regulations as to steps to be taken for that purpose, including provisions enabling the Board in the case of default or dilatoriness on the part of the local authority to act in the place and at the expense of the local authority; and

(*e*) for dealing with the other matters mentioned in the Second Schedule to this Act.

(3) Every regulation made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days from the date on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regula-

tion, but without prejudice to the validity of anything previously done thereunder.

Power to enforce scheme.

7.—(1) The responsible authority may at any time after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Board, and shall, unless the parties otherwise agree, be determined by the Board as arbiters, and the decision of the Board shall be final and conclusive.

Acquisition of land comprised in a scheme.

8.—(1) The responsible authority may, for the purposes of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in manner hereinafter provided.

(2) Land may be purchased by agreement for the purposes aforesaid in like manner as if those purposes were purposes of the Public Health (Scotland) Act, 1897, and section one hundred and forty-four of that Act, so far as relating to the purchase of land by agreement, shall apply accordingly.

60 & 61 Vict. c. 38.

(3) The responsible authority may be authorised to purchase land compulsorily for the purposes aforesaid by means of an order submitted to the Board and confirmed by the Board in accordance with Part I. of the Third Schedule to this Act.

(4) The responsible authority may, with the consent of and subject to any conditions imposed by the Board, acquire by agreement land comprised in a town planning scheme, notwithstanding that the land is not immediately required for the purposes of the scheme.

(5) Where land included within the district of a local authority is comprised in a town planning scheme and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

(6) The powers of acquiring land under this section shall be subject to the restrictions contained in Part II. of the said Third Schedule.

Payment of purchase or compensation money on direction of Board.

9.—(1) Any purchase money or compensation payable in pursuance of this Act by a responsible authority or other local authority in respect of any lands, right or interest of another local authority which would, but for this section, be paid into bank in manner provided by the Lands Clauses Acts may, if the Board consent, instead of being paid into bank, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Compensation in respect of property injuriously affected by scheme, &c.

10.—(1) Any person whose property is injuriously affected by the making of a town planning scheme, or by the carrying into effect of any provision of a town planning scheme, shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building

erected on, or contract made or other thing done with respect to, land included in a scheme, after the date of the resolution of the local authority to prepare or adopt the scheme, or after the date when such resolution takes effect, or after the date when the Board have authorised a scheme to be made by virtue of any power conferred on them for that purpose by this Act (as the case may be), or, in cases where before the nineteenth day of August, nineteen hundred and nineteen, the preparation or adoption of a town planning scheme was authorised, after the date on which the application for authority to prepare or adopt the scheme was made, or after such other time as the Board may fix for the purpose:

Provided that—

(*a*) this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun, or of carrying out a contract entered into, before such date or other time as aforesaid;

(*b*) this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted in pursuance of an order of the Board allowing the development of estates and building operations to proceed pending the preparation, adoption or making and approval of the scheme, and the carrying out of works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme.

(3) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Board), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section, or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, unless the parties agree on some other method of determination.

9 & 10 Geo. 5. c. 57.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered in a summary manner.

(6) Where a town planning scheme is revoked by an order of the Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

11.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are also contained in any public, general or local Act or Order having the force of an Act of Parliament in force in the area, or are such as would have been enforceable if they had been contained in byelaws made by the local authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

(3) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Notice to withdraw or modify provisions of scheme.

12.—(1) The responsible authority may, at any time within one month after the date of an award of compensation in respect of property injuriously affected by the making of a town planning scheme, give notice to the owner of that property of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

(2) Where such notice has been given, the responsible authority shall, within three months from the date of the notice, submit for the approval of the Board a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon approval by the Board of the varying scheme, whether with or without modification, and payment by the authority of the owner's expenses of and in connection with the arbitration, the award of the arbiter shall be discharged without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation in respect of property injuriously affected by the making of a town planning scheme shall be enforceable within one month from the date thereof, or, if notice has been given by the authority under the preceding subsection, pending the decision of the Board on the varying scheme.

Power of Board to require town planning scheme.

13.—(1) Where the Board are satisfied, after holding a public local inquiry, that a town planning scheme ought to be made by a local authority with respect to any land in regard to which a town planning scheme may be made under this Act, the Board may by order require the local authority to prepare and submit for their approval such a scheme, and, if the scheme is approved by the Board, to do all things necessary for

enforcing the observance of the scheme or any provisions thereof effectively and for executing any works which under the scheme or under this Act the authority are required to execute.

(2) Any order made by the Board under this section shall have the same effect as a resolution of the local authority deciding to prepare a town planning scheme with respect to the area in regard to which the order is made.

(3) If the local authority fail to prepare a scheme to the satisfaction of the Board within such time as may be prescribed by the order, or to enforce the observance of the scheme or any provisions thereof effectively, or to execute any such works as aforesaid, the Board may themselves act in the place and at the expense of the local authority.

Powers of Board in case of default of local authority to adopt or execute town planning scheme.

14. If the Board are satisfied on any representation, after holding a public local inquiry at which the authority concerned shall have had an opportunity of being heard—

(*a*) that a local authority have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted or have unreasonably refused to consent to any modifications or conditions imposed by the Board with respect to any scheme prepared or adopted by the local authority; or

(*b*) that a responsible authority have failed to enforce effectively the observance of a scheme which has been approved by the Board, or any provisions thereof, or to execute any works which under the scheme or this Act the authority are required to execute;

the Board may, with the approval of the Lord Advocate, apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, for an order on the authority to adopt the scheme, or to consent to the modifications or conditions so imposed, or to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any

works which under the scheme or this Act the authority are required to execute, as the case requires; and such Division or Lord Ordinary are hereby authorised and directed to do in such petition and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

Acquisition of land for purpose of garden cities.

15.—(1) Where the Board are satisfied that any local authority (including a county council) or two or more local authorities jointly, or any authorised association, are prepared to purchase and develop, in accordance with a scheme approved by the Board—

(*a*) any land as a garden city (including a garden suburb or a garden village);

(*b*) any land in regard to which a town planning scheme may be made;

and have funds available for the purpose, the Board may, with the consent of the Treasury and after consultation with the Board of Trade, the Board of Agriculture for Scotland, and the Minister of Transport, acquire that land on behalf of the authority or association either by compulsion or by agreement in any case in which it appears to the Board necessary or expedient so to do for the purpose of securing the development of the land as aforesaid, and may do all such things as may be necessary to vest the land so acquired in the local authority or association.

(2) The provisions of this Act relating to the powers of a local authority to acquire land for the purposes of a town planning scheme shall apply for the purpose of the acquisition of land by the Board under this section, and the Board in exercising their powers of acquiring land under this section shall be subject to the same conditions as are applicable to the acquisition of land under this Act by a local authority:

Provided that, in the case of an order for the compulsory acquisition of land on behalf of an authorised association, the order shall be laid before each House of Parliament and shall not be confirmed by the Board unless and until both Houses by resolution have approved the order, nor, if any modifications are agreed to by both Houses, otherwise than as so modified.

(3) A local authority shall have power to acquire land for the purposes of a scheme approved by the Board under this section, and to develop any land so acquired in accordance with the scheme.

(4) In this section "authorised association" means any society, company or body of persons approved by the Board whose objects include the promotion, formation, or management of garden cities (including garden suburbs and garden villages), and the erection, improvement or management of buildings for the working classes and others, which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury; and any authorised association shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of interest on loan capital at a rate exceeding six per centum per annum, to raise money on loan at a rate of interest not exceeding the rate for the time being prescribed by the Treasury.

Determination of matters by Board.

16. Where the Board are authorised by this Act or any scheme made under this Act or any enactment repealed by this Act to determine any matter, it shall, except as otherwise expressly provided by this Act, be at their option to determine the matter as arbiters or otherwise, and, if they elect or are required to determine the matter as arbiters, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Board and the determination of the matters aforesaid.

31 & 32 Vict. c. 119.

Local inquiries.

17.—(1) For the purposes of the execution of their powers and duties under this Act, the Board may cause such local inquiries to be held as they may think fit, and the expenses incurred in relation to any such local inquiry (including the remuneration of any person employed by the Board for the purpose of the inquiry) shall be paid by the authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the expenses incurred, and any sum so certified and directed by the Board to be paid by

any authority or person shall be a debt to the Crown from such authority or person.

(2) Except so far as inconsistent with the provisions of the preceding subsection, sections seven, eight, nine and ten of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under this Act.

Board to have regard to powers of dean of guild courts.

18. In any proceedings under this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

Provisions as to land in neighbourhood of royal palaces and parks.

19.—(1) Where any land proposed to be included in a town planning scheme, or any land proposed to be acquired under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the authority shall, before preparing the scheme or acquiring the land, communicate with the Commissioners of Works, and the Board shall, before confirming the scheme or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section, "prescribed" means prescribed by regulations made by the Board after consultation with the Commissioners of Works.

Local authority and expenses.

20.—(1) For the purposes of this Act, the local authority and the district of the local authority shall respectively be the local authority for the purposes of the Public Health (Scotland) Act, 1897, and the district of that authority.

(2) Any expenses incurred by a local authority under this Act, or any scheme made under this Act or any enactment repealed by this Act, shall be defrayed by them out of the public health general assessment, but such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment.

(3) A local authority may borrow for the purposes of this Act, or any scheme made under this Act or any enactment repealed by this Act, including the cost of the preparation or adoption of a scheme, in the same manner and subject to the same provisions as they may borrow for the purposes of the Housing (Scotland) Act, 1925. 15 Geo. 5. c. 15.

Repeals.

21.—(1) The enactments mentioned in the Fourth Schedule to this Act are, so far as they apply to Scotland, hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

(*a*) nothing in this repeal shall affect any scheme, order or regulation made, or notice or approval given under any enactment hereby repealed, but any such scheme, order, regulation, or notice or approval shall have effect as if made or given under the corresponding provision of this Act, and any such scheme, order regulation or notice may be amended, varied, repealed, revoked, or enforced accordingly;

(*b*) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title, commencement and extent.

22.—(1) This Act may be cited as the Town Planning (Scotland) Act, 1925.

(2) This Act shall come into operation on the first day of July, nineteen hundred and twenty-five.

(3) This Act shall extend to Scotland only.

SCHEDULES.

Section 5.

FIRST SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE BOARD.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.

2. Buildings, structures, and erections.

3. Open spaces, private and publ c.

1ST SCH. —*cont.*

4. The preservation of objects of historical interest or natural beauty.

5. Sewerage, drainage, and sewage disposal.

6. Lighting.

7. Water supply.

8. Ancillary or consequential works.

9. Extinction or variation of private rights of way and other servitudes.

10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

11. Power of entry and inspection.

12. Power of the responsible authority to remove, alter or demolish any obstructive work.

13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the objects of any town planning scheme, and provision for regulating the administration of any such money or property.

15. Application with the necessary modifications and adaptations of statutory enactments.

16. Carrying out and supplementing the provisions of this Act for enforcing schemes.

17. Limitation of time for operation of scheme.

18. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.

19. Charging on the fee of any land the value of which is increased by the operation of a town planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations the provisions of any enactments dealing with charges for improvements of land.

Section 6.

SECOND SCHEDULE.

MATTERS TO BE DEALT WITH BY REGULATIONS OF THE BOARD.

1. Procedure anterior to the preparation or adoption of a scheme :—

(*a*) Preparation and deposit of plans.

(*b*) Publication of notices.

2. Procedure during, on, and after the preparation or adoption and before the approval of the scheme :—

(*a*) Submission to the Board of the proposed scheme, with plans and estimates.

(*b*) Notice of submission of proposed scheme to the Board.

(*c*) Hearing of objections and representations by persons affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

(*d*) Publication of notice of intention to approve scheme and the lodging of objections thereto.

3. Procedure after the approval of the scheme :

(*a*) Notice to be given of approval of scheme.

(*b*) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

THIRD SCHEDULE.

Section 8.

PART I.

PROVISIONS AS TO COMPULSORY ACQUISITION OF LAND.

1. Where a local authority propose to purchase land compulsorily the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. An order under this Schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

3. The order shall be in the form prescribed by the Board, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845), as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and — 8 & 9 Vict. c. 17. 9 & 10 Geo. 5. c. 57.

(*b*) sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845. — 8 & 9 Vict. c. 33.

4. The order shall be published by the local authority in the manner prescribed by the Board, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees and occupiers of that land as may be prescribed by the Board.

5. If within such period as may be prescribed by the Board no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, unless they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at

3RD SCH. —*cont.*

the inquiry, and the Board shall, before confirming the order, duly consider the report of the person by whom the public inquiry is held.

6. In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

7. The reference to sections seventy-one to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, shall be construed as a reference to those sections as originally enacted and not as a reference to the provisions which by virtue of the Mines (Working Facilities and Support) Act, 1923, are in certain cases to be substituted for those sections.

13 & 14 Geo. 5. c. 20.

PART II.

RESTRICTIONS ON ACQUISITION OF LAND.

1. Nothing in this Act shall authorise the acquisition for the purposes of any town planning scheme of any land which is the site of an ancient monument or other object of archæological interest.

2. Nothing in this Act shall authorise the compulsory acquisition of any land which is the property of any local authority, or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking, or which, at the date of the order authorising the compulsory acquisition of the land, forms part of any park, garden or pleasure ground, or is otherwise required for the amenity or convenience of any house.

3.—(1) Where any scheme or order under this Act authorises the acquisition or appropriation of any land forming part of any common or open space, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area certified by the Board, after consultation with the Board of Agriculture for Scotland, to be equally advantageous to the persons, if any, entitled to common or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

3RD SCH. —*cont.*

(3) Where any such scheme or order authorises such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common or open space acquired or appropriated from all rights, trusts, and incidents, to which it was previously subject.

(4) For the purposes of this Part of this Schedule, the expression "common" includes any town or village green; and the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground.

FOURTH SCHEDULE.

Section 21.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c., Act, 1909.	Part II. Part IV. so far as it relates to town planning. The Fourth Schedule. The Fifth Schedule.
9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Part II. The Third Schedule.
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Section ten.
10 & 11 Geo. 5. c. 21.	The Housing (Scotland) Act, 1920.	Section eight, so far as it relates to section ten of the Housing (Additional Powers) Act, 1919.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Part II. Subsection (2), so far as it relates to Part II. of the Act, and subsection (13) of section twenty-three. The Second Schedule so far as it amends section 59 of the Housing, Town Planning, &c., Act, 1909.