



# Forth Crossing Act 2011

## 2011 asp 2

### PART 4

#### TAKING TITLE TO LAND

##### *Notice to treat procedure*

### **31 Partial acquisitions using notice to treat procedure**

- (1) A person may, within 28 days of service of a notice to treat in respect of a partial acquisition, object to the partial acquisition.
- (2) An objection must—
  - (a) be served on Ministers,
  - (b) state that the person is willing and able to sell to Ministers the whole of the house, building, factory or other land concerned, and
  - (c) identify the land that the person is so willing and able to sell.
- (3) Ministers must deal with an objection by—
  - (a) agreeing to acquire the land identified in the objection by notifying the objector to that effect (in which case the notice to treat is deemed to cover the land identified in the objection, regardless of whether any of it is outwith the Act limits),
  - (b) withdrawing the notice to treat by notifying the objector to that effect, or
  - (c) referring the objection to the Lands Tribunal for determination under section 32 and notifying the objector that it has been so referred.
- (4) If Ministers fail to act under subsection (3) within 3 months of an objection being served, the notice to treat is to be treated as withdrawn.