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SCHEDULES . .

SIXTH SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF THIS ACT IN ITS APPLICATION TO SCOTLAND.

- 4 The sections and schedules specified in the first column of the following table shall be adapted and modified in manner specified in the second column of that table :—

Section.	Adaptations and Modifications.
S. 2	<p>For the section the following section shall be substituted :—</p> <p>“2 (1) Subject to the provisions of this section the local authority for the purposes of this Act shall be, in the case of a large burgh, the town council thereof, and in the case of a county (including any small burghs therein) the county council, or, if the county is in combination with another county for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council of the combined county; and the district of the local authority shall be the burgh or the county or the combined county, as the case may be.</p> <p>(2) Where upon consideration of a representation by the town council of a small burgh the Department, after consultation with the county council, are of opinion that it is expedient that the town council should have power to prepare a scheme with respect to any land within the burgh the Department may, by order, transfer to the town council any of the powers and duties of the county council under this Act with respect to such land, and, where any</p>

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Section.	Adaptations and Modifications.
	<p>power or duty has been so transferred, any reference in this Act to a local authority (other than in section forty-nine) shall, in relation to that power or duty, be construed as a reference to the town council.</p> <p>(3) The Department may at any time revoke, vary, or amend any order made by them under this section.</p> <p>(4) Any order made under this section may contain such incidental supplementary and consequential provisions as appear necessary for the purpose of the order.”</p>
S. 3	Subsection (7) shall be omitted.
S. 5	In subsection (1) there shall be omitted, paragraph (a), the words " or (b), " the words " in the case of a local authority " and the words " council or " wherever they occur; in subsection (2) the words " county council or " shall be omitted and for the words " subsections (2) to (7) " there shall be substituted the words " subsections (2) to (6). "
S. 7	<p>In subsection (1) for the words from " serve in the prescribed manner" to the end of the subsection there shall be substituted the words " serve in the " prescribed manner a like notice on the owner " (according to the valuation roll) of every land " and heritage to which the resolution applies.</p> <p>" In this subsection the expression ' the valuation " roll' means the valuation roll for the year " current at the time when the notice is given, or, " if the notice is given after the fifteenth day of " May and before the first day of October in " any year, the valuation roll for the preceding " year"; in subsection (2) for paragraph (c) there shall be substituted the following paragraph:—</p> <p style="padding-left: 40px;">“(c) in the case of a notice to be served on an owner, a direction that</p>

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Section.	Adaptations and Modifications.
S. 11	<p>the recipient of the notice will, if he is not at the time the owner of the property, transmit it to the owner";</p> <p>and subsection (3) shall be omitted.</p> <p>At the end of subsection (2) there shall be added the words " or (c) in the case of a scheme which " applies to land within a small burgh, specify " the town council of the burgh as the responsible " authority for all or certain purposes of the " scheme as respects such land or part thereof. "</p>
S. 12	<p>In paragraph (d) of subsection (1) for the word " tenements " there shall be substituted the word " tenancies. "</p>
S. 13	<p>In subsection (4) for the words " by written notice served on the clerk of the court and the authority " there shall be substituted the words " by giving notice of appeal, " and the words " for the petty sessional division or place within which the property " to which the notice relates is situated " shall be omitted; and in subsection (5) for the words " court by whom an order is made under this " subsection may, if they think fit, direct that the " order" there shall be substituted the words " sheriff may, if he thinks fit, direct that an order " made by him under this subsection."</p> <p>At the end of subsection (5) there shall be added the words " The sheriff shall make such order in regard " to the expenses of an appeal under subsection (4) " of this section as he may think proper."</p>
S. 17	<p>In subsection (1) for the words " the council of any " county borough or county district " there shall be substituted the words " the local authority of any " district," the words "or, as respects a building in " such a county district, the council of the county " comprising that district " shall be omitted, and for the words " of that council " there shall be substituted the words " of the local authority " ; and</p>

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Section.	Adaptations and Modifications.
S. 18	<p>in subsections (3) and (5) for the word " council " wherever it occurs there shall be substituted the words " local authority. "</p> <p>For the word " council " there shall be substituted the words " local authority. "</p>
S. 21	<p>In subsection (5) for the words " real or personal " there shall be substituted the words " heritable or " moveable "; in the proviso to subsection (8) for the words " where a disposition is by way of lease " or tenancy agreement " there shall be substituted the words " a claim made on the granting " of a lease or tack which is " and the words "the claim" shall be omitted; and for subsection (11) there shall be substituted the following subsection:—</p> <p>" (11) In this section the " expression ' disposition ' means a disposition by " way of feu or sale (including a sale in consideration of a ground annual or other similar " periodical payment) or the grant of a lease or " tack for a period of not less than three years, " and references to the person who gives a notice " under subsection (1) of this section shall, where " the property to which the notice relates has, " since the notice was given, been the subject of " transmission otherwise than by disposition, be " construed as references to the person to whom " the property was last so transmitted before the " date on which a disposition takes effect or a " change of use takes place."</p>
S. 25	<p>In subsection (1) for the words " for the purposes of those Acts " there shall be substituted the words " having power to acquire land for the purposes of " that Act" and for the words " repairable by the inhabitants at large" there shall be substituted the words " maintainable at the public expense. "</p>
S. 26	<p>For the words " the common council of the city of " London or the council of any county, county " borough or county district," there shall be substituted the</p>

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Section.	Adaptations and Modifications.
S. 27	<p>words " the town council of any burgh or any county council. "</p> <p>In subsection (1) for the words " declaring the street " to be a highway repairable by the inhabitants at " large " there shall be substituted the words " taking over the road or street as a highway " maintainable at the public expense"; and in subsection (2) the words " and providing proper means of lighting therefor " shall be omitted.</p>
S. 29	The section shall be omitted.
S. 30	<p>For the section there shall be substituted the following section:—</p> <p>“30 It shall be lawful for the town council of any burgh or any county council to contribute towards the expenses incurred by any authority in or in connection with matters preliminary to the preparation of a scheme or in or in connection with the preparation or carrying into execution of a scheme whether made under this Act or any Act repealed by this Act.”</p>
S. 32	<p>For the words from " in such manner " to the end of the section there shall be substituted the words " either in the repayment of debt or for any other " purpose for which capital money may be properly " applied."</p>
S. 34	<p>In subsection (1) for the words from " and shall have power " to the end of the subsection there shall be substituted the words “and if the agreement shall " have been recorded in the appropriate register " of sasines, it shall be enforceable at the instance " of the authority against persons deriving title " to the land from the person with whom it was " entered into :</p> <p>Provided that no such agreement shall at any " time be enforceable against a third party who " shall have in bona fide onerously acquired right " (whether completed</p>

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Section.	Adaptations and Modifications.
S. 35	<p>by infertment or not) to " the land prior to the agreement being recorded " as aforesaid or against any person deriving title " from such third party."</p> <p>In subsection (7) for the words " includes a county council " there shall be substituted the words " means the town council of any burgh or any " county council. "</p>
S. 36	<p>In subsection (2) the words from " or in the case of ' to the end of the subsection shall be omitted, and in subsection (4) for the words from " the Minister may by order " to the end of the subsection there shall be substituted the words " the " Department may, if they think fit, themselves " act in the place and at the expense of the authority or 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 do all things neces-" sary for remedying their default and for carrying " into execution the scheme: 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. "</p> <p>Subsection (8) shall be omitted.</p>
S. 38	<p>Subsection (3) shall be omitted.</p>
S. 39	<p>For the section there shall be substituted the following section:—</p> <p>“39 Stated case to Court of Session.</p> <p>Where under the provisions of a scheme an appeal is submitted to the Department, the Department may, on the application of any party to the appeal at any stage of the proceedings, and shall, if so directed by either division of the Court of Session, state a case on any question of law</p>

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Section.	Adaptations and Modifications.
S. 40	<p>arising in the appeal for the opinion of either division of the Court of Session, and the procedure in the stated case shall be such as may be prescribed by Act of Sederunt: and the provisions of any scheme made before the commencement of this Act under which an appeal on any question of law shall be to the Court of Session against a decision of the Department shall cease to have effect.”</p> <p>For subsection (4) there shall be substituted the following subsection:—</p> <p>“(4) A determination of the " Department or of an arbiter under this section " shall be final.”</p>
S. 41	<p>In the proviso to subsection (1) for the words from " any Government department " to the end of the subsection there shall be substituted the words " any other Government department are concerned " with the functions of the undertakers, consult " with that department and shall, if the undertakers whose consent is sought so desire, afford " them an opportunity of appearing before and " being heard by one or more persons appointed " for the purpose by the Department and the " other Government department concerned acting " jointly."</p>
S. 47	<p>In subsection (2) for the words " by written notice served on the clerk of the court and the authority " there shall be substituted the words " by giving notice of appeal, " and the words " for the petty " sessional division or place comprising the land " on which the advertisement or hoarding is " displayed or set up " shall be omitted; and in subsections (3) and (4) for the word " court, " wherever it occurs, there shall be substituted the word " sheriff. "</p>
S. 48	<p>In subsection (1) the words "or of relinquishing in " favour of the council of the county any of their " powers and</p>

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Section.	Adaptations and Modifications.
S. 49	<p>duties under this Act" shall be omitted; and in subsection (2) the word " local " shall be substituted for the word " appointing " wherever it occurs.</p> <p>For the section the following section shall be substituted :—</p> <p>“49 (1) Any expenses incurred by a local authority under this Act shall be defrayed as if they were expenses incurred by the authority under the Public Health (Scotland) Act, 1897 : Provided that, where expenses incurred by the town council of a small burgh under this Act are included in the sum for which a rate is levied by the council, the amount of the contribution payable by the town council on account of the expenditure of the county council under this Act shall be only such sum, if any, as will together with the amount of the aforesaid expenses of the town council amount to the sum which the town council would have been required to contribute if such expenses of the town council had been included in the expenditure of the county council under this Act.</p> <p>(2) A local authority may borrow for the purposes of this Act in accordance with the provisions of section twenty-three of the Local Government (Scotland) Act, 1929.”</p> <p>For the section the following section shall be substituted:—</p> <p>“50 Expenses of town councils of small burghs and of county councils not being local authorities under this Act.</p> <p style="text-align: right;">Any expenses incurred under this Act by the town council of</p>
S. 50	<p>For the section the following section shall be substituted:—</p> <p>“50 Expenses of town councils of small burghs and of county councils not being local authorities under this Act.</p> <p style="text-align: right;">Any expenses incurred under this Act by the town council of</p>

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S. 51	<p>a small burgh or by a county council who are not a local authority within the meaning of this Act, shall be defrayed out of such rate payable by owners and occupiers in equal shares as the council may determine and such council may borrow for any of the purposes of this Act.”</p> <p>In subsection (1) the word "relinquishment" shall be omitted, and in subsection (2) the word "relinquished" and the word "relinquishment" wherever it occurs shall be omitted.</p> <p>For subsection (3) the following subsection shall be substituted:—</p>
S. 53	<p>“(3) The provisions of the Second Schedule to the Rating (Scotland) Act, 1926, and of paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929, shall apply in relation to claims for compensation under this Act as they apply in relation to claims for compensation under those Acts subject to such modifications as the Secretary of State may by order provide for the purpose of adapting those provisions to cases arising under this Act.”</p> <p>For the definition of "owner" there shall be substituted the following definition :—</p> <p>“'Owner' includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking.”</p> <p>After the definition of "development" there shall be inserted the following definitions :—</p> <p>“'Department' means the Department of Health for Scotland.”</p> <p>“'Large burgh' and 'small burgh' have the respective</p>

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	<p style="text-align: center;">meanings assigned to them in the Local Government (Scotland) Act, 1929.”</p> <p>The definitions of " district " and " road " shall be omitted.</p>
S. 54	Paragraph (e) of the proviso to subsection (1) shall be omitted.
S. 55	For the section the following section shall be substituted—
	<p>“55 Department to have regard to powers of Dean of Guild Court.</p> <p style="text-align: center;">In approving any scheme, or exercising or performing any other powers or duties under this Act, the Department shall have regard to the powers and jurisdiction of the dean of guild court in burghs”</p>
S. 56	The section shall be omitted.
S. 58	For the section there shall be substituted the following section:—
	<p>“58 Short title and commencement.</p> <p style="text-align: center;">This Act may be cited as the Town and Country Planning (Scotland) Act, 1932, and, except as otherwise expressly provided, shall come into operation on the first day of April nineteen hundred and thirty-three.”</p>
Sch. I.	<p>For sub-paragraphs (2)' (a), (b), and (d) of paragraph 2 of Part I. there shall be substituted respectively the following paragraphs :—</p> <p style="margin-left: 40px;">“(a) subsection (1) of section thirty-two of the Public Health (Scotland) Act, 1897;</p> <p style="margin-left: 40px;">(b) section one hundred and fifty-eight of the Burgh Police (Scotland) Act, 1892, as extended by subsection (2) (h) of</p>

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Sch. II.	<p>section one hundred and four of the Burgh Police (Scotland) Act, 1903;</p> <p>(d) section five of the Roads Improvement Act, 1925, as applied to Scotland by section twelve of that Act;”</p> <p>and sub-paragraph (2) (c) shall be omitted.</p> <p>In paragraph 2 of Part II., and in paragraph 2 of Part III., after the words " for the purpose, " there shall be inserted the words " by summary petition. "</p>
Sch. III.	<p>In paragraph 1 for the word " churchways " there shall be substituted the words " kirk roads, " in paragraph 11 for the word " easements," there shall be substituted the word " servitudes " in paragraph 16 for the words " real or personal " theref shall bej substituted the words " heritable or moveable, " and the words from " and for the exemption" to the end of the paragraph shall be omitted, and in paragraph 18 for the words " recovery thereof in a court of summary jurisdiction " there shall be substituted the words " recovery thereof by summary proceedings before the sheriff. "</p> <p>In paragraph 1 of Part I. for the words " sections ninety-two and one hundred and " twenty-seven to one hundred and thirty-two of " the Lands Clauses Consolidation Act, 1845" and the words " sections seventy-seven to eighty" five of the Railways Clauses Consolidation Act, " 1845 " there shall be substituted respectively the words " sections ninety and one hundred and " twenty to one hundred and twenty-five of the " Lands Clauses Consolidation (Scotland) Act, " 1845", and the words " sections seventy to " seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845 " ; in paragraph 3 of the said Part I. the word " and" shall be inserted at</p>

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the end of sub-paragraph (ii) and sub-paragraph (iv) (together with the word " and " preceding it) shall be omitted.

In the proviso to paragraph 2 of Part II. for the words " any Government department," to the end of the paragraph, there shall be substituted the words " any other Government department " are concerned with the functions of the under" takers, consult with that department and shall, " if the undertakers so desire, afford them an " opportunity of appearing before and being " heard by one or more persons appointed for the " purpose by the Department and the other " Government department concerned acting " jointly."

In paragraph 3 of Part II. for the words " section one hundred and twenty-eight of the " Lands Clauses Consolidation Act, 1845," there shall be substituted the words " section one hundred and twenty-one of the Lands Clauses " Consolidation (Scotland) Act, 1845."

For sub-paragraph (iv) of paragraph 4 of Part II there shall be substituted the following sub-paragraph :—

“(iv) 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 ; and for " the purposes of paragraph 2

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Section.	Adaptations and Modifications.
Sch. IV.	<p data-bbox="1155 389 1345 1025">of this Part of this " Schedule the expression ' highway' shall not " include a bridge by which a highway is carried over " or under any railway, canal or navigable water, " or the approaches to any such bridge, or the road " carried by any such bridge and approaches.”</p> <p data-bbox="868 1039 1310 1137">For sub-paragraphs (ii) and (iii) of paragraph 5 there shall be substituted the following sub-paragraphs:—</p> <p data-bbox="1102 1146 1345 2011"> “(ii) that full information as to any proposal to prepare or adopt a scheme or order is given to the local authority of any district and to the town council of any small burgh in which land proposed to be included in the scheme or order is situate, or which such land immediately adjoins; (ii) that where a resolution to prepare a scheme for land which is wholly or </p>

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Sch. V.	<p data-bbox="1158 394 1350 770">partly within a small burgh has taken effect, the town council, unless the resolution was passed by that council, are consulted with respect to the preparation of the scheme.”</p> <p data-bbox="868 792 1318 855">For the Schedule there shall be substituted the following Schedule:—</p> <p data-bbox="1031 887 1187 949" style="text-align: center;">“FIFTH SCHEDULE</p> <p data-bbox="951 985 1267 1016" style="text-align: center;">ENACTMENTS REPEALED.</p> <table border="1" data-bbox="868 1048 1350 1415"> <thead> <tr> <th data-bbox="896 1057 999 1151"><i>Session and Chapter.</i></th> <th data-bbox="1072 1057 1142 1120"><i>Short Title.</i></th> <th data-bbox="1206 1057 1327 1120"><i>Extent of Repeal.</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="874 1169 976 1263">15 & 16 Geo. 6. c. 17.</td> <td data-bbox="1034 1169 1168 1294">The Town Planning (Scotland) Act, 1925.</td> <td data-bbox="1193 1169 1327 1232">The whole Act.</td> </tr> <tr> <td data-bbox="874 1312 976 1406">17 & 18 Geo. 5. c. 23.</td> <td data-bbox="1034 1312 1168 1406">The Crown Lands Act, 1927</td> <td data-bbox="1193 1312 1295 1375">Section twelve.”</td> </tr> </tbody> </table>	<i>Session and Chapter.</i>	<i>Short Title.</i>	<i>Extent of Repeal.</i>	15 & 16 Geo. 6. c. 17.	The Town Planning (Scotland) Act, 1925.	The whole Act.	17 & 18 Geo. 5. c. 23.	The Crown Lands Act, 1927	Section twelve.”
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