



New Towns (Scotland) Act 1968

1968 CHAPTER 16

Miscellaneous and supplementary

41 Application of certain enactments.

- (1) F1
- (2) F2
- (3) For the purposes of section 7(3) of the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (which relates to the acquisition of inalienable land) this Act shall be deemed to have been passed before the commencement of that Act.

Textual Amendments

- F1** S. 41(1) repealed by [Superannuation Act 1972](#) (c. 11, SIF 101A:1), s. 29(4), **Sch. 8**
- F2** S. 41(2) repealed by [Roads \(Scotland\) Act 1984](#) (c. 54, SIF 108), s. 156(3), **Sch. 11**

Marginal Citations

- M1** 1947 c. 42(28:2).

42 Rights of entry.

- (1) Where an authority, being either a development corporation or a local [^{F3}roads] authority or the Secretary of State, are authorised to acquire any land compulsorily under this Act or have under consideration the acquisition of any land compulsorily thereunder, any person, being an officer of the Valuation Office or a person authorised in writing by the said authority, may at any reasonable time enter upon the land for the purpose of surveying it or estimating its value.
- (2) Any person, being an officer of the Valuation Office or a person authorised in writing by the Secretary of State, may at any reasonable time enter upon any land for the purpose of surveying it or estimating its value in connection with any proposals relating to the land submitted or to be submitted under section 6(1) of this Act.

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)

- (3) A person authorised under the foregoing provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (4) Any person who obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding [^{F4}level 2 on the standard scale].

Textual Amendments

- F3** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(14)**
- F4** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289C, 289G**

43 Local inquiries.

- (1) Subject to the following provisions of this section, the Minister may, for the purposes of the exercise of any of his functions under this Act, cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit.
- (2) The Minister shall appoint a person to hold the inquiry and to report thereon to him.
- (3) The person appointed to hold the inquiry shall notify any person who has lodged, and has not withdrawn, objections in relation to any matter in question at the inquiry, and shall publish in such newspaper or newspapers as the Minister may direct a notice, of the time when and the place where the inquiry is to be held.
- (4) The person appointed to hold the inquiry may, on the motion of any party thereto or of his own motion, serve a notice in writing on any person requiring him to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry.
Provided that—
 - (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides, unless the necessary expenses are paid or tendered to him; and
 - (ii) nothing in this subsection shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (5) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
- (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under subsection (4) of this section or to give evidence, or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice, shall be liable on summary conviction to a fine not exceeding [^{F5}level 2 on the standard scale] or to imprisonment for a period not exceeding three months.

Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)

- (7) The Minister may make orders as to the expenses incurred by the parties to the inquiry and, where the inquiry arises out of a proposed acquisition of land by a development corporation or the proposed extinction of a right of way over land acquired or proposed to be acquired by a development corporation, as to the expenses incurred by the Minister in relation to the inquiry (including such reasonable sum as the Minister may determine for the services of the person appointed to hold the inquiry), and as to the parties by whom such expenses shall be paid.
- (8) Any order of the Minister under subsection (7) of this section requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.
- (9) In this section the expression “Minister” means the Secretary of State, or any other Minister authorised under this Act to hold a local inquiry.

Textual Amendments

F5 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289C, 289G**

44 Inquiries under Private Legislation Procedure (Scotland) Act 1936.

- (1) Where the Ministers concerned so direct—
 - (a) any inquiry in relation to an order under this Act which in certain events becomes subject to special parliamentary procedure, and
 - (b) any hearing in connection with—
 - (i) an appeal against the refusal, or the grant, subject to conditions, of an application by statutory undertakers for planning permission to develop operational land, or
 - (ii) such an application made by statutory undertakers and referred to the Secretary of State, or
 - (iii) the revocation or modification of planning permission to develop operational land granted to statutory undertakers,shall be held by Commissioners under the ^{M2}Private Legislation Procedure (Scotland) Act 1936.
- (2) Any such direction shall be deemed to have been given under section 2, as read with section 10, of the ^{M3}Statutory Orders (Special Procedure) Act 1945.
- (3) Paragraphs 4 and 5 of Schedule 8 to this Act shall not apply to an order such as is mentioned in subsection (1)(a) above.
- (4) Nothing in subsections (2) to (9) of the last foregoing section shall apply to any inquiry to which subsection (1)(a) above applies.
- (5) The provisions of the said Act of 1945 in relation to the publication of notices in the Edinburgh Gazette and in a newspaper shall, notwithstanding anything contained in that Act, not apply to any order under this Act which is subject to special parliamentary procedure.

Marginal Citations

M2 [1936 c. 52\(89\)](#).

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M3 1945 c. 18. (9 & 10 Geo. 6)(89)

45 Service of notices.

- (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—
 - (a) by delivering it to the person on whom it is to be served or to whom it is to be given, or
 - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given, at that address, or
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given, at that address, or
 - (d) in the case of a person on whom service is required by this Act to be made as being a person appearing from the valuation roll to have an interest in land, by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his address as entered in the valuation roll, or
 - (e) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the notice or document is required or authorised to be served on or given to any person as having an interest in premises, and the name, or, as the case may be, the address, of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be deemed to be duly served if—
 - (a) being addressed to him by the description of “the owner” or “the occupier”, as the case may be, of the premises (describing them), it is delivered, left or sent in the manner specified in subsection (1)(a), (b) or (c) above, or
 - (b) being addressed to him either by name or in accordance with paragraph (a) of this subsection, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
- (3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required to serve or give the notice or other document that any part of that land is unoccupied, the notice or documents shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than an owner who in accordance with the provisions of this Act in that behalf has given to that authority an address for the service of the notice on him) if, being addressed to “the owners and any occupiers” of that part of the land (describing it) and marked as mentioned in subsection (2)(b) above, it is affixed conspicuously to some object on the land.
- (4) Where a notice or other document has been served or given in accordance with the foregoing provisions of this section, it shall be deemed to have been served or given—
 - (a) in the case of delivery, at the time of such delivery,

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- (b) in any other case, on the expiry of 48 hours after the time when it was actually served or given.

46 Regulations and orders.

- (1) The Secretary of State may make regulations for the purpose of prescribing anything which is authorised or required to be prescribed under this Act.
- (2) The power to make regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power to make an order conferred by any of the provisions of this Act shall include a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.
- (4) The power to make an order conferred by section 1 of this Act shall be exercisable by statutory instrument.
- (5) A statutory instrument containing an order under section 1 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament if—
 - (a) the order is one designating an area as the site of a proposed new town, or designating an additional area of not less than 500 acres which would extend the area of a new town by not less than ten per cent; and
 - (b) an objection to the order was duly made by a local planning authority and had not been withdrawn at the time the order was made.
- (6) An order under section 35(5) or [F636E] of this Act shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

Textual Amendments

- F6 “36E” substituted by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\), s. 38\(1\), Sch. 4 para. 1\(a\)](#)

47 Interpretation.

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—
 - “acquiring authority”, in relation to the acquisition under or for the purposes of this Act of any land (whether compulsorily or by agreement) or to a proposal so to acquire any land, means the development corporation, local [F7roads] authority or Minister of the Crown by whom the land is, or is proposed to be, acquired;
 - “the Act of 1845” means the ^{M4}Lands Clauses Consolidation (Scotland) Act 1845;
 - [F8“alcohol” has the meaning given by section 2 of the Licensing (Scotland) Act 2005 (asp 16);]
 - [F9 “ the appropriate Minister ” means—

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- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) ^{F10}
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of . . . ^{F11} water, the Secretary of State for Scotland; and
- (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.]

F12

.....
 “the arbiter” or “the official arbiter” means the official arbiter appointed under section 2 of the ^{M5}Land Compensation (Scotland) Act 1963;

“common” includes any town or village green;

“compulsory purchase order” means an order under section 7(1), 8(1) or 8(2) of this Act;

“development” includes re-development and “develop” shall be construed accordingly;

“development corporation” has the meaning assigned by section 2 of this Act;

“enactment” includes an enactment in any local or private Act of Parliament, and an order, byelaw or scheme made under an Act of Parliament;

F13

.....
 “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 22 of the Order confirmed by the National Trust for Scotland Order Confirmation Act 1935;

“land” includes land covered with water and any interest in land and any servitude or right in or over land;

“local authority” means a [^{F14}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[^{F15} “ local roads authority ” has the same meaning as in the ^{M6} Roads (Scotland) Act 1984;]

“ . . . planning authority” means the . . . ^{F16} planning authority for the purposes of the ^{M7}Town and Country Planning (Scotland) Act [^{F17}1972];

“National Trust” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act 1935;

“open space” means any land laid out as a public garden, or used for purposes of public recreation, or any disused burial ground;

“operational land”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings:

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“owner”, in relation to any buildings or land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the building or land to the promoters of an undertaking, and includes also a lessee under a lease or agreement the unexpired period of which exceeds three years;

“planning permission” means planning permission under [^{F18}Part III of the Town and Country Planning (Scotland) Act 1972];

“prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

[^{F19} “ regional planning authority ” and “ district planning authority ” have the meanings assigned to them by Part IX of the ^{M8} Local Government (Scotland) Act 1973;]

[^{F20} “ roads authority ” has the same meaning as in the Roads (Scotland) Act 1984;]

.....^{F21}

“statutory undertakers” means persons authorised by any enactment to construct, work or carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . ^{F22}, . . . ^{F23}, hydraulic power or water, and “statutory undertaking” shall be construed accordingly;

[^{F24} “ transfer order ” means an order under section 36D(1) of this Act;]

“trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails and moved by power transmitted to it from some external source;

“Valuation Office” means the Valuation Office of the Inland Revenue Department;

“valuation roll” means the valuation roll for the year current at the time when the notice is served, or, if the notice is served after 15th May and before 1st October in any year, the valuation roll for the preceding year.

[^{F25} “ winding up order ” means an order under section 36(1) of this Act;]

- (2) Any reference in this Act to the area of a new town is a reference to the area designated as the site of that new town by an order under section 1 of this Act.
- [^{F26}(3) Any reference in this Act to the Secretary of State and the appropriate Minister shall, in a case where the Secretary of State for Scotland is the appropriate Minister, be construed as a reference to that Secretary of State and, in any other case, be construed as a reference to the Secretary of State for Scotland and the appropriate Minister.]
- (4) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if, in relation to the authorisation under this act of a compulsory acquisition of land, any question arises whether land of statutory undertakers is operational land, that question shall be determined by the Secretary of State and the appropriate Minister.
- (5) As from the coming into operation of Part II of the Land Compensation (Scotland) Act 1963,—
 - (a) for any reference in this Act to the arbiter or the official arbiter there shall be substituted a reference to the Lands Tribunal for Scotland or, as the case may require, a member of that Tribunal; and

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- (b) for any reference in this Act to any provision contained in section 2, 3 or 5 of the said Act of 1963 there shall be substituted a reference to the corresponding provision contained respectively in section 8, 9 or 11 of that Act.
- (6) A development corporation established for the purposes of an order under section 1 of this Act shall have power to act as the agents of a local authority . . . ^{F27} to carry out any function relating to the provision of water, sewerage or other services for the area designated by that order; and a local authority shall have power to act as the agents of a development corporation to carry out any of the functions of the corporation.
- (7) ^{F28}
- (8) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- (9) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F7** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 61(15)(a)**
- F8** Words in s. 47(1) substituted (1.9.2009) by Licensing (Scotland) Act 2005 (asp 16), s. 150(2), **Sch. 6 para. 3(3)** (with s. 143); S.S.I. 2007/472, art. 3
- F9** Definition inserted by S.I. 1976/1775, art. 6(1), **Sch. 3 para. 3(2)**
- F10** S. 47(1): paragraph (d) in the definition of “the appropriate Minister” repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), **Sch. 2** (with art. 4(11))
- F11** Words repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))
- F12** Definition repealed by S.I. 1970/1681
- F13** Definition repealed by Licensing (Scotland) Act 1976 (c. 66, SIF 68A:2), s. 136(1), **Sch. 8**
- F14** S. 47(1): words in definition of “local authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 73(5)**; S.I. 1996/323, art. 4(1)(c)
- F15** Definition substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 61(15)(b)**
- F16** Word repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 172(2)
- F17** Word substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 238(2), **Sch. 23 para. 12**
- F18** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 61(15)(c)**
- F19** Definition inserted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 238(2), **Sch. 23 para. 12**
- F20** Definition inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 61(15)(d)**
- F21** Definition of “regional water board” repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 238(2), **Sch. 29**
- F22** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))
- F23** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F24** Definition inserted by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(1), **Sch. 4(1)(b)**
- F25** Definition inserted by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(1), **Sch. 4(1)(b)**
- F26** S. 47(3) substituted by S.I. 1970/1681

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- F27** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 29**
F28 S. 47(7) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 29**

Marginal Citations

- M4** 1845 c. 33(102).
M5 1963 c. 51(28:2).
M6 1984 c. 54(108).
M7 1972 c. 52(123:2).
M8 1973 c. 65(81:2).

48 Saving and transitional provisions, consequential amendments and repeals.

- (1) The saving and transitional provisions contained in Schedule 9 to this Act shall have effect.
- (2) The enactments specified in Schedule 10 to this Act shall have effect subject to the amendments therein specified, being amendments consequential on the repeals specified in Schedule 11 to this Act.
- (3) The enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)

- C1** The text of s. 48(2)(3), Schs. 10, 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

49 Short title, commencement and extent.

- (1) This Act may be cited as the New Towns (Scotland) Act 1968.
- (2) This Act shall come into operation on 1st April 1968.
- (3) This Act shall extend to Scotland only.

Changes to legislation:

There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Cross Heading: Miscellaneous and supplementary.