
Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Part IV. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITIONS

PART IV

Special provisions as to certain descriptions of land

- 12 In so far as a compulsory purchase order authorises the acquisition of land which is the property of a local authority, or of land belonging to the National Trust which is held by the Trust inalienably, the order shall be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the local authority or the National Trust, as the case may be, and has not been withdrawn.
- 13 (1) In so far as a compulsory purchase order authorises the acquisition of any land forming part of any common or open space, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
- (a) that there has been or will be given in exchange for such land other land, not being less in area (unless the persons in whom the land was vested otherwise agree), and being equally advantageous to the persons (if any) entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land acquired was vested, and subject to the like rights, trusts and incidents as attached to the land acquired; or
 - (b) that the land is required for the widening of an existing [^{F1}road] and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,
- and certifies accordingly.
- (2) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall give public notice of his intention so to do, and—
- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
 - (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,
- the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who made the inquiry, give the certificate.
- (3) As soon as may be after the giving of a certificate under this paragraph the acquiring authority shall publish in the Edinburgh Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land

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designated by the order is situated, a notice in the prescribed form stating that the certificate has been given.

Textual Amendments

F1 Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(16)(d)**

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