



# New Towns (Scotland) Act 1968

## 1968 CHAPTER 16

### *Miscellaneous and supplementary*

#### **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 <sup>F1</sup>roads] authority or Minister of the Crown by whom the land is, or is proposed to be, acquired;

“the Act of 1845” means the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845;

<sup>F2</sup>“alcohol” has the meaning given by section 2 of the Licensing (Scotland) Act 2005 (asp 16);]

<sup>F3</sup> “ the appropriate Minister ” means—

- (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) <sup>F4</sup> .....
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of . . . <sup>F5</sup> water, the Secretary of State for Scotland; and
- (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.]

<sup>F6</sup>

.....  
“the arbiter” or “the official arbiter” means the official arbiter appointed under section 2 of the <sup>M2</sup>Land Compensation (Scotland) Act 1963;

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“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;

.....<sup>F7</sup>

“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 [<sup>F8</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[<sup>F9</sup> “ local roads authority ” has the same meaning as in the <sup>M3</sup> Roads (Scotland) Act 1984; ]

“ . . . planning authority” means the . . . <sup>F10</sup> planning authority for the purposes of the <sup>M4</sup>Town and Country Planning (Scotland) Act [<sup>F11</sup>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:

“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 [<sup>F12</sup>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;

[<sup>F13</sup> “ regional planning authority ” and “ district planning authority ” have the meanings assigned to them by Part IX of the <sup>M5</sup> Local Government (Scotland) Act 1973; ]

[<sup>F14</sup> “ roads authority ” has the same meaning as in the Roads (Scotland) Act 1984; ]

.....<sup>F15</sup>

“statutory undertakers” means persons authorised by any enactment to construct, work or carry on any railway, light railway, tramway, road transport,

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water transport, canal, inland navigation, dock harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . <sup>F16</sup>, . . . <sup>F17</sup>, hydraulic power or water, and “statutory undertaking” shall be construed accordingly;

[<sup>F18</sup> “ 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.

[<sup>F19</sup> “ 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.
- [<sup>F20</sup>(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
  - (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 . . . <sup>F21</sup> 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) . . . . . <sup>F22</sup>
- (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.

*Changes to legislation: There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Section 47. (See end of Document for details)*

### Textual Amendments

- F1** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(15)(a)**
- F2** 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
- F3** Definition inserted by S.I. 1976/1775, art. 6(1), **Sch. 3 para. 3(2)**
- F4** 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))
- F5** 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))
- F6** Definition repealed by S.I. 1970/1681
- F7** Definition repealed by [Licensing \(Scotland\) Act 1976 \(c. 66, SIF 68A:2\)](#), s. 136(1), **Sch. 8**
- F8** 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)
- F9** Definition substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(15)(b)**
- F10** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 172(2)
- F11** Word substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 23 para. 12**
- F12** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(15)(c)**
- F13** Definition inserted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 23 para. 12**
- F14** Definition inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(15)(d)**
- F15** Definition of “regional water board” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 29**
- F16** 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))
- F17** Word repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), **Sch. 9 Pt. I**
- F18** Definition inserted by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), **Sch. 4(1)(b)**
- F19** Definition inserted by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), **Sch. 4(1)(b)**
- F20** S. 47(3) substituted by S.I. 1970/1681
- F21** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 29**
- F22** S. 47(7) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 238(2), **Sch. 29**

### Marginal Citations

- M1** 1845 c. 33(102).
- M2** 1963 c. 51(28:2).
- M3** 1984 c. 54(108).
- M4** 1972 c. 52(123:2).
- M5** 1973 c. 65(81:2).

**Changes to legislation:**

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