



Scottish Development Agency Act 1975

1975 CHAPTER 69

General

[^{F1}22] **Service of documents.**

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of section 26 of the ^{M1}Interpretation Act 1889 in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm, shall be that of the principal office of the firm, and, in any other case, shall be the last known address of the person to be served.]

Textual Amendments

- F1** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Marginal Citations

- M1** 1889 c. 63.

[^{F2}23] **Expenses.**

Any expenses of the Secretary of State incurred in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament.]

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: General. (See end of Document for details)

Textual Amendments

- F2** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

[^{F3}24 Application of Act to Crown.

- (1) Notwithstanding any interest of the Crown in Crown land, the power to acquire land compulsorily under this Act may, with the consent of the appropriate authority, be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown.

In this section, “Crown land” means land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, and “the appropriate authority” has the meaning assigned to it by section 253(7) of the ^{M2}Town and Country Planning (Scotland) Act 1972; and the provisions of the said section 253(7) as to the determination of questions shall apply for the purposes of this section.

- (2) None of the provisions of this Act relating to Crown land shall be construed as prejudicing any Crown interest therein, and nothing in this Act shall affect the powers or duties of the Crown Estate Commissioners.]

Textual Amendments

- F3** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Marginal Citations

- M2** 1972 c. 52.

[^{F4}25 Interpretation.

- (1) In this Act, unless the context otherwise requires—
- “ financial year ” means the period beginning with the commencement of this Act and ending with 31st March 1976, and each subsequent period of twelve months ending with 31st March;
 - “ industry ” includes any description of commercial activity, and any section of an industry, and “ industrial ” shall be construed accordingly;
 - [^{F5} “ land ” includes—
 - (a) the foreshore and other land covered with water;
 - (b) any interest in, or right over, land; and
 - (c) any other heritable property;]
 - “ local authority ” means a regional, islands or district council;
 - “ sea bed ” includes its subsoil;
 - “ subsidiary ” means a subsidiary as defined by [^{F6} section 736 of the Companies Act 1985] ;

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“ wholly owned subsidiary ” has the meaning assigned to it by [^{F6} section 736(5)(b) of the Companies Act 1985] .

- (2) Securities and other property are publicly owned for the purposes of this Act if they are held—
- (a) by or on behalf of the Crown;
 - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company;
 - (c) by any corporation constituted by or under any enactment under which an industry or part of an industry is carried on by that corporation under national ownership or control; or
 - (d) by a wholly owned subsidiary of any such corporation.
- (3) Except where the context otherwise requires, this Act shall apply in relation to any estate or interest in or right over the sea bed as it applies in relation to land, and the ^{M3} Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and the compulsory purchase enactments specified in subsection (4) below shall apply accordingly.
- (4) In subsection (3) above, “ the compulsory purchase enactments ” means the Lands Clauses Acts, and section 6 and sections 70 to 78 of the ^{M4} Railways Clauses Consolidation (Scotland) Act 1845, the ^{M5} Land Compensation (Scotland) Act 1963, section 278 of the ^{M6} Town and Country Planning (Scotland) Act 1972 and Schedule 24 to that Act, and the ^{M7} Land Compensation (Scotland) Act 1973.
- (5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.]

Textual Amendments

- F4** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F5** Words in s. 25(1) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 12 paras. 37(4)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F6** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**

Marginal Citations

- M3** 1947 c. 42.
M4 1845 c. 33.
M5 1963 c. 51.
M6 1972 c. 52.
M7 1973 c. 56.

[^{F7}26 Orders and regulations.

- (1) Unless otherwise provided, any power conferred by this Act to make an order or regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: General. (See end of Document for details)

- (2) Any power to make an order conferred by any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.]

Textual Amendments

- F7** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

[^{F8}27 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act and minor amendments.
- (2) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.]

Textual Amendments

- F8** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Modifications etc. (not altering text)

- C1** The text of ss. 8(7)(8) and 27 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.

28 Short title, commencement and extent.

- (1) This Act may be cited as the Scottish Development Agency Act 1975.
- (2) This Act (except this section) shall come into operation on the appointed day, being such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different purposes.
- (3) Any reference in this Act to the commencement of any provision thereof shall be construed as a reference to the day when that provision comes into force.
- (4) This Act, except in so far as it relates to the amendment of the ^{M8}House of Commons Disqualification Act 1975, extends to Scotland only.

Modifications etc. (not altering text)

- C2** 15.12.1975 appointed under s. 28(2) by [S.I. 1975/1898](#), [art. 3](#)

Marginal Citations

- M8** [1975 c. 24](#).

Changes to legislation:

There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: General.