

**Changes to legislation:** There are currently no known outstanding effects for the Offshore Petroleum Development (Scotland) Act 1975, Cross Heading: Duty to acquire the land if possession is taken. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### EFFECT OF EXPEDITED ACQUISITION ORDERS

##### *Duty to acquire the land if possession is taken*

- 3 (1) As soon as may be after taking possession of any land under paragraph 2 above the Secretary of State shall either—
- (a) serve notices to treat in respect of that land in accordance with section 17 of the said Act of 1845, or
  - (b) execute a general vesting declaration in respect of that land under <sup>F1</sup>Schedule 15 to the Town and Country Planning (Scotland) Act 1997].
- (2) Sub-paragraph (1)(a) above requires the service of a notice to treat on a person having an interest in the land no greater than as tenant for a year or from year to year as well as on persons having greater interests; and the power conferred by section 39 of the <sup>M1</sup>Land Compensation (Scotland) Act 1963 to withdraw a notice to treat shall not be exercisable in respect of any notice to treat served by the Secretary of State in respect of land specified in the order.
- (3) The power to execute a general vesting declaration in respect of the land specified in the order shall not be exercisable by the Secretary of State until he has taken possession of the land; but the foregoing provision shall not apply where the land was included in the order by virtue of section 15(2) of this Act.

#### Textual Amendments

**F1** Words in [Sch. 2 para. 3\(1\)\(b\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 24\(6\)\(b\)](#)

#### Marginal Citations

**M1** [1963 c. 51](#).

- 4 (1) In their application to a general vesting declaration executed by the Secretary of State in respect of land specified in the order, the provisions of <sup>F2</sup>Schedule 15 to the Town and Country Planning (Scotland) Act 1997] shall have effect with the following modifications.
- (2) The following provisions of that Schedule shall be omitted—
- (a) in paragraph 1(1) the words following “specified in the declaration”;
  - (b) in paragraph 6 the words following “could have served such a notice”;
  - (c) in paragraph 7 the words “together with the right to enter upon and take possession of it”;
  - (d) in paragraph 18 the words following “paragraphs 6 to 8 above”;
  - (e) paragraphs 2, 3, 5, 8, 14, 21, 22(a), 24, 26, 29, 30 and 38;

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but the omission of paragraph 26 is without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

- (3) In paragraph 4 of that Schedule for the words following “shall serve” there shall be substituted the words “on every owner, lessee and occupier of any land specified in the declaration a notice specifying the land, stating the effect of the declaration, referring to the rights of objection to severance exercisable in respect of the declaration and inviting claims for compensation.”
- (4) For any reference in Part II of that Schedule to paragraphs 6 to 8, there shall be substituted a reference to paragraphs 6 and 7.
- (5) For paragraph 20(2) of that Schedule there shall be substituted—

“(2) A notice of objection to severance served by any person shall not have effect if it is served more than twenty-eight days after the date on which he first had knowledge of the execution of the general vesting declaration.”
- (6) In paragraph 23 of that Schedule for the words “sub-paragraph (a)” there shall be substituted the words “sub-paragraph (b)”.

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**Textual Amendments**

**F2** Words in [Sch. 2 para. 4\(1\)](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 24\(6\)\(c\)](#)

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