SCHEDULES

SCHEDULE 2

Section 1.

EFFECT OF EXPEDITED ACQUISITION ORDERS

Application of compulsory purchase enactments

1 (1) As from the date on which the order comes into operation the compulsory purchase enactments shall have effect—

(a) as if the Secretary of State had been authorised to acquire the land specified in the order by a compulsory purchase order coming into operation on that date ; and

(b) as if the compulsory purchase of the land authorised by the order were a compulsory purchase to which the provisions of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 apply ;

and references in the compulsory purchase enactments to a compulsory purchase order shall be construed accordingly.

(2) In sub-paragraph (1) above "the compulsory purchase enactments" means the Lands Clauses Acts and section 6 and sections 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845, the Land Compensation (Scotland) Act 1963, section 278 of the Town and Country Planning (Scotland) Act 1972 and Schedule 24 to that Act, and Parts III and IV of the Land Compensation (Scotland) Act 1973.

(3) In their application by virtue of this paragraph, sections 34(3)(a) and 36(6)(a) of the said Act of 1973 (material date for entitlement to disturbance payment or rehousing in case of compulsory acquisition under compulsory purchase order) shall have effect as if the references to the time of first publication of the notices there mentioned were references to the time of first publication of the notice required by paragraph 1(1)(b) of Schedule 1 to this Act.

(4) In their application to the purchase of land authorised by the order, sections 49 and 50 of the said Act of 1973 (notice to treat in respect of part Of agricultural land) shall have effect as if the person mentioned in subsection (1) of section 49 included a person having an interest no greater than as tenant for a year or from year to year and as if subsection (3)(a) of that section were omitted.

(5) Paragraph 6 of Schedule 2 to the said Act of 1947 (which provides for the incorporation of certain provisions relating to minerals) shall have effect in relation to the order as if it were a compulsory purchase order made in accordance with the provisions of Schedule 1 to that Act.

Power to take possession

2 (1) The Secretary of State shall be entitled to enter on and take possession of the land specified in the order at any time after the expiration of the period of 14 days beginning with the date on which the order comes into operation.

(2) Sub-paragraph (1) above has effect notwithstanding sections 83 and 114 of the Lands Clauses Consolidation (Scotland) Act 1845 (compensation to be paid before entry) and paragraph 3 of Schedule 2 to the said Act of 1947 (notice before entry), but where the Secretary of State takes possession of land by virtue of this paragraph he shall be liable to pay the like compensation and the like interest on the compensation agreed or awarded, as he would have been required to pay if he had taken possession of the land under the said paragraph 3.

(3) Where the Secretary of State is authorised under this paragraph to enter on and take possession of land, and the owner or occupier of any of that land, or any other person, refuses to give up possession of it, then a copy of the order shall be sufficient warrant for the ejection of the person refusing to give up or hindering possession; and in such a case section 89 of the said Act of 1845 (proceedings in case of refusal to deliver possession of lands) shall not apply.

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 Schedule 24 to the Town and Country Planning (Scotland) Act 1972.

(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 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.

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 Schedule 24 to the Town and Country Planning (Scotland) Act 1972 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 ;

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) ".