



Telecommunications Act 1984

1984 CHAPTER 12

PART II

PROVISION OF TELECOMMUNICATION SERVICES

Acquisition etc. of land by public telecommunications operators

35 Compulsory purchase of land in Scotland.

- [^{F1}(1) Subject to subsection (2) below, the Secretary of State may authorise a public telecommunications operator to purchase compulsorily any land in Scotland which is required by the operator for, or in connection with, the establishment or running of the operator's system or as to which it can reasonably be foreseen that it will be so required; and the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory purchase under this section as if the operator were a local authority within the meaning of that Act and as if this section had been in force immediately before the commencement of that Act.
- (2) No order shall be made authorising a compulsory purchase under this section except with the consent of the Director.
- (3) The power of purchasing land compulsorily under this section includes power to acquire a servitude or other right over land by the creation of a new right.
- (4) The following provisions of [^{F2}the Town and Country Planning (Scotland) Act 1997] shall have effect in relation to land acquired compulsorily by a public telecommunications operator under this section as they have effect in relation to land acquired compulsorily by statutory undertakers under any other enactment, namely—
- (a) [^{F2}section 197] (provisions as to churches and burial grounds);
 - (b) [^{F2}section 198] (use and development of land for open spaces); and
 - (c) [^{F2}sections 224 to 227] (extinguishment of rights of way, and rights as to apparatus, of statutory undertakers).

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 35. (See end of Document for details)

- (5) Where a public telecommunications operator has acquired land under this section, he shall not dispose of that land or of any interest or right in or over it except with the consent of the Director.]

Textual Amendments

- F1** S. 35 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003](#) (c. 21), ss. 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\)](#) Note 1); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F2** Words in [s. 35\(4\)](#) substituted (27.5.1997) by [1997 c. 11](#), ss. 4, 6(2), [Sch. 2 para. 37\(1\)](#)

Marginal Citations

- M1** [1947 c. 42](#).

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 35.