

SCHEDULES

SCHEDULE 7

PART II

REHABILITATION ORDERS

Procedure for making and confirming rehabilitation orders

- 8 —A rehabilitation order shall be made in the prescribed form and shall describe, by reference to a map—
- (a) the house to which, in terms of paragraph 3(1), it applies, and
 - (b) the other land to which, in terms of paragraph 3(3), it applies.
- 9 (1) Before submitting a rehabilitation order to the Secretary of State for confirmation, the local authority, except in so far as the Secretary of State directs otherwise—
- (a) shall publish in one or more newspapers circulating within their district a notice in the prescribed form stating that such an order has been made and describing the land to which it applies, and naming a place where a copy of the order and its accompanying map may be seen at all reasonable hours, and
 - (b) shall serve on any such person as is specified in sub-paragraph (2) a notice in the prescribed form stating—
 - (i) the effect of the rehabilitation order,
 - (ii) that it is about to be submitted to the Secretary of State for confirmation, and
 - (iii) the time within which and the manner in which objections to the order can be made.
- (2) The persons mentioned in sub-paragraph (1)(b) are—
- (a) every person on whom notice was served of the making by virtue of section 38 of the Act of 1966 or section 7 of the Act of 1969 of any compulsory purchase order which, at the date of its confirmation, included any land subsequently comprised in the rehabilitation order;
 - (b) every successor in title of such a person;
 - (c) every owner, lessee and occupier of the relevant land other than a tenant for a month or a period less than a month;
 - (d) creditors in heritable securities over relevant land, so far as it is reasonably practicable to ascertain such persons; and
 - (e) every person on whom notice would have been required to be served under head (c) or (d) whose interest has been acquired under the said section 38 since the clearance area was declared to be such an area or (as the case may be) under the said section 7 since the housing treatment area was declared to be such an area.

Status: This is the original version (as it was originally enacted).

- (3) A notice under this paragraph shall be accompanied by a statement of the grounds on which the local authority are seeking confirmation of the rehabilitation order.
 - (4) A notice under this paragraph shall be served in accordance with section 5(3) of and paragraph 19 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.
- 10 (1) If no objection is duly made by any of the persons on whom notices are to be served under paragraph 9, or if all objections so made are withdrawn, the Secretary of State may confirm the order with or without modifications.
- (2) If any objection duly made is not withdrawn, the Secretary of State, before confirming the order, shall cause a public local inquiry to be held or afford to any person by whom an objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (3) After considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed under sub-paragraph (2), the Secretary of State may confirm the order with or without modifications.
- (4) The Secretary of State may require any person who has made an objection to state the grounds of the objection in writing, and may disregard the objection if he is satisfied that it relates exclusively to matters which can be dealt with by the tribunal by whom any compensation is to be assessed.
- (5) The Secretary of State's power to modify a rehabilitation order includes power, subject to sub-paragraph (6), to extend it to any notice land.
- (6) The Secretary of State shall not extend the application of a rehabilitation order to any land unless he has served on the following persons, namely—
- (a) the local authority who made the rehabilitation order,
 - (b) every owner, lessee and occupier of that land, except a tenant for a month or a period less than a month, and
 - (c) so far as it is reasonably practicable to ascertain such persons, on the creditor in every heritable security over any such land,
- a notice stating the effect of his proposals, and has afforded them an opportunity to make their views known.
- 11 —Paragraphs 6, 15 and 16 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (notification, challenge of validity and date of operation of orders) shall apply in relation to rehabilitation orders as if—
- (a) any reference to a compulsory purchase order were a reference to a rehabilitation order and any reference to compulsory purchase were a reference to rehabilitation under this Part of this Schedule;
 - (b) any reference to the acquiring authority were a reference to the local authority;
 - (c) the reference in the said paragraph 6 to paragraph 3 of that Schedule were a reference to paragraph 9 of this Schedule;
 - (d) the reference in the said paragraph 15 to any such enactment as is mentioned in section 1 (1) of that Act were a reference to this Part of this Schedule;
 - (e) the references in the said paragraph 15 to any requirement of that Act and to any requirement of that Schedule thereof were references to any

- requirement of this Part of this Schedule and of any provision of that Act (or that Schedule, as the case may be) applicable to the rehabilitation order;
- (f) the references in the said paragraphs 15 and 16 to a certificate under Part III of that Schedule were deleted.