

**Changes to legislation:** Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, Paragraph 10 is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## FIRST SCHEDULE

### PROCEDURE FOR AUTHORISING COMPULSORY PURCHASES

#### Modifications etc. (not altering text)

- C1 Sch. 1 applied by Offshore Petroleum Development (Scotland) Act 1975 (c. 8, SIF 86), s. 1, **Sch. 2 para. 1**
- C1 Sch. 1 extended by Offshore Petroleum Development (Scotland) Act 1975 (c. 8, SIF 86), s. 1, **Sch. 2 para. 1(1)(b)**

## PART III

### SPECIAL PROVISIONS AS TO CERTAIN DESCRIPTIONS OF LAND

#### Modifications etc. (not altering text)

- C1 Part III applied with modifications by Opencast Coal Act 1958 (c. 69), **ss. 4, 39** Sch. 2 Pt. I (as amended (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 38** (with s. 40(7); S.I. 1994/2553, **art. 2**)
- C1 Sch. 1 Pt. III applied (31.10.1994) by 1958 c. 69, **s. 16(5)** (as substituted by 1994 c. 21, s. 52, **Sch. 8 para. 14(7)** (with s. 40(7); S.I. 1994/2553, **art. 2**)  
Sch. 1 Pt. III applied (with modifications) (26.3.2001) by 2000 c. 26, s. 95, **Sch. 5 Pt. III paras. 16-21**; S.I. 2000/2957, **art. 2(3), Sch. 3**

10 Where a compulsory purchase order has been submitted or prepared and the land comprised in the order includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the [<sup>F1</sup>Scottish Ministers] before the expiration of the time within which objections to the order can be made, the [<sup>F1</sup>Scottish Ministers are] satisfied—

- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) that an interest in any of the said land is held for those purposes,

[<sup>F2</sup>and, if the representation is not withdrawn,] the compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the [<sup>F1</sup>Scottish Ministers are] satisfied as aforesaid except land as to which [<sup>F1</sup>they are] satisfied that its nature and situation are such—

- (i) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
- (ii) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,

and certifies accordingly.

[<sup>F3</sup>(10A) In paragraphs 9 and 10 of this Schedule “statutory undertakers” include—

- (a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990; and
- (b) a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act 1978;

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but in relation to a health service body, as so defined, any reference in those paragraphs to land acquired or available for acquisition by the statutory undertakers shall be construed as a reference to land acquired or available for use by the Secretary of State for use or occupation by that body.]

#### **Textual Amendments**

- F1** Words in Sch. 1 Pt. III para. 10 substituted (1.7.1999 as specified in [S.I. 1998/3178](#), **art. 3**) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), **Sch. 2 Pt. I para. 20(4)**
- F2** Words in Sch. 1 Pt. III para. 10 inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), [s. 79\(a\)](#), **Sch. 17 Pt. I para. 2** (with [s. 84\(5\)](#)); [S.I. 1991/2092](#), **art. 3**
- F3** Pt. III para. 10A inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 60\(2\)](#), **Sch. 8 Pt. II para. 5**

#### **Modifications etc. (not altering text)**

- C1** Pt. III(paras. 8–14) applied with modifications by [Water Act 1980 \(c. 45, SIF 130\)](#), **Sch. 2 para. 5**
- C2** Pt. III(paras. 8–14) applied (with modifications) by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), [s. 9\(3\)](#), [Sch. 3 Pt. III paras. 16–21](#), **23**
- C3** Pt. III para. 10 excluded by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:1, 2\)](#), [s. 218\(1\)](#)
- C4** Functions of Minister of Transport under para. 10 in relation to lighthouse undertakings now exercisable by Board of Trade or Secretary of State; [S.I. 1953/1204](#) (1953 I, p. 1225), [1959/1768](#) (1959 I, p. 1793), [1965/145](#) and [1970/1681](#)
- C5** Sch. 1 para. 10 excluded (27.5.1997) by [1997 c. 8, ss. 223\(2\), 278\(2\)](#), [Sch. 9 para. 15\(4\)](#), **Sch. 10 para. 13(4)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [2021 asp 9 s. 68\(4\)](#)