

Changes to legislation: Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, Paragraph 4 is up to date with all changes known to be in force on or before 01 May 2024. 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 I

PURCHASES BY LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1 Part I 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. I 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**)

- 4 (1) If no objection is duly made by any such person as aforesaid [^{F1}or if no objection is duly made by the National Trust for Scotland in a case where the land comprised in the order was held inalienably by the Trust on the date of the passing of the Crofting Reform (Scotland) Act 1976 and was acquired from the Trust by a crofter as defined in section 3 of the Crofters (Scotland) Act 1955 in pursuance of an order under section 2(1) or 4(1) of the said Act of 1976] or if all objections so made are withdrawn, the confirming authority, on being satisfied that the proper notices have been published and served, may, if the authority think fit, confirm the order with or without modifications.
- (2) [^{F2}Subject to sub-paragraph (2A),]If any objection duly made as aforesaid is not withdrawn, the confirming authority shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose, and after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may confirm the order either with or without modifications.
- [^{F3}(2A) If the person by whom an objection is made states that he objects as mentioned in sub-paragraph (4)(b) or (c) below, sub-paragraph (2) above shall not apply as respects that objection provided that the acquiring authority give the person a written undertaking that any conveyance in implement of the acquisition will provide that the title condition in question is not varied or extinguished in respect of the enforcement rights of that person or as the case may be that the development management scheme is not disapplied; and any such undertaking shall—
- (a) identify the benefited property (if any) and burdened property or as the case may be the development to which the development management scheme applies;
 - (b) identify the order; and

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- (c) set out the manner in which the conveyance will fulfil the undertaking.
- (2B) The effect, under subsection (1) of section 106 of the Title Conditions (Scotland) Act 2003 (asp 9) (extinction of real burdens and servitudes etc. on compulsory acquisition of land), of registering the conveyance after an undertaking given under sub-paragraph (2A) above has been registered against the burdened property, or as the case may be against the units of the development, shall be subject to the terms of the undertaking irrespective of the terms of the conveyance.
- (2C) In sub-paragraphs (2A) and (2B) above, “conveyance” has the same meaning as in subsection (5) of that section.]
- (3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the confirming authority shall afford to the acquiring authority, and to any other persons to whom it appears to the confirming authority expedient to afford it, an opportunity of being heard on the same occasion.
- (4) Notwithstanding anything in the two last preceding sub-paragraphs, the confirming authority may require any person who has made an objection to state in writing
- [^{F4}(a) the grounds thereof, and may disregard the objection for the purposes of this paragraph if the confirming authority is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.]
- [^{F5}(b) whether he objects as a person with title to enforce a title condition and, if he does so object, then in that statement to—
- (i) identify the benefited property (if any) and burdened property;
- (ii) identify the title condition (either by setting it out in full or by identifying the constitutive deed, saying where it is registered and giving the date of registration); and
- (iii) if there is a benefited property, describe his connection with it;
- (c) whether he objects as owners' association of the development to which a development management scheme applies and, if he does so object, then in that statement to identify—
- (i) the development; and
- (ii) the development management scheme (by identifying the deed of application, saying where it is registered and giving the date of registration).]

Textual Amendments

- F1** Words inserted by [Crofting Reform \(Scotland\) Act 1976 \(c. 21, SIF 2:4\)](#), s. 22(1), **Sch. 2 para. 3**
- F2** Words in Sch. First para. 4(2) inserted (1.11.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 109(4)(a), 129(4)** (with [ss. 119, 121](#)); [S.S.I. 2003/454](#), art. 2(1)
- F3** Sch. 1 para. 4(2A)-(2C) inserted (1.11.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 109(4)(b), 129(4)** (with [ss. 119, 121](#)); [S.S.I. 2003/454](#), art. 2(1)
- F4** Words in Sch. First para. 4(4)(a) in Sch. 1 para. 4(4) renumbered as Sch. 1 para. 4(4)(a) (1.11.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 109(4)(c), 129(4)** (with [ss. 119, 121](#)); [S.S.I. 2003/454](#), art. 2(1)
- F5** Sch. First para. 4(4)(b), (c) inserted (1.11.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 109(4)(c), 129(4)** (with [ss. 119, 121](#)); [S.S.I. 2003/454](#), art. 2(1)

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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\(4\)](#)