



# Agriculture (Scotland) Act 1948

## 1948 CHAPTER 45

### PART IV

#### ACQUISITION OF LAND.

*Provisions as to compulsory acquisition of land.*

#### **63 Procedure for compulsory purchase of land.**

- (1) Subject to the provisions of this and of the next following section, where under any provision of this Act power is conferred on the Secretary of State to purchase land compulsorily, the power shall be exercisable for the purchase of any particular land on . the Secretary of State being authorised so to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and that Act shall apply accordingly—
- (a) as if paragraph (a") of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Secretary of State under the National Health Service (Scotland) Act, 1947) included a reference to any compulsory purchase of land by the Secretary of State under this Act; and
  - (b) as if this Act had been in force immediately before the commencement of the said Act of 1947:

Provided that section two of that Act (which confers temporary powers for the speedy acquisition of land in certain cases) shall not apply to any compulsory purchase of land under this Act.

- (2) Where under any provision of this Act .power is conferred on the Secretary of State to purchase any particular land compulsorily on the giving of a certificate by him, the certificate shall have effect as if it were a compulsory purchase order made under section one of the said Act of 1947, and—
- (a) where the certificate relates to land falling within subsection (2) of the said section one (which applies to purchases of local authorities' and statutory undertakers' land, commons, open spaces, land held inalienably by the National Trust for Scotland and ancient monuments and other objects of

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archaeological interest, the special procedure set out in Part III of the First Schedule to that Act) the certificate shall be embodied in an order of the Secretary of State and the said Part III shall apply accordingly;

- (b) subsection (3) of the said section one and the Second Schedule to the said Act of 1947 (which provide for incorporation of the Lands Clauses Acts and other enactments) shall have effect in relation to the purchase, and anything which under that Schedule may be provided by a compulsory purchase order may be provided by the said certificate;
- (c) in the application to the certificate of Part IV of the First Schedule to the said Act of 1947 (which relates to the validity and coming into operation of compulsory purchase orders) for references to the first publication of notice of the making of an order there shall be substituted references to the service of notice of the giving of the certificate, and for references to the requirements of the said First Schedule and of regulations made thereunder there shall be substituted references to the requirements of this Act as to the proceedings to be taken before the giving of the certificate.