

# FORTH CROSSING ACT 2011

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 – Taking Title to Land**

##### *Section 35 – General vesting declarations*

124. **Section 35** attracts the “general vesting declaration” procedure to the Act. This is a compulsory acquisition procedure which is an alternative to serving notice to treat and notices of entry on every owner. The procedure is set out in Schedule 15 to the [Town and Country Planning \(Scotland\) Act 1997 \(c.8\)](#) and provides a more convenient way to acquire a large number of parcels of land in different ownership.
125. The procedure involves sending a compulsory purchase notice of the intention to execute a “vesting declaration”. That notice is served on various specified parties who own or have an interest in the land which is to be subject to compulsory purchase. Those persons have two months in which to respond to the notice. On the expiry of that period of two months, or such longer period as may be specified in the notice, the acquiring authority, which for the purposes of the Act will be the Scottish Ministers, can execute a declaration in the prescribed form (the prescribed forms are set out in the schedules to the [Compulsory Purchase of Land \(Scotland\) Regulations 2003 \(S.S.I 2003/446\)](#)) vesting the land in the Scottish Ministers from such period as may be specified in the declaration.
126. Once the declaration has been made it does not take effect until at least 28 days notice of its making has been served on every owner or occupier. At that point the declaration is treated as if it had been a notice to treat and the Scottish Ministers, as the acquiring authority, have the power to enter and take possession of the land without serving notices of entry.
127. To enable the general vesting declaration procedure to apply within the Act specific provision is required and this is given by subsection (1) which provides the power for the Scottish Ministers to make a general vesting declaration for land that they wish to acquire compulsorily. That land, under [section 22](#), is land within the limits of deviation and land identified in [schedule 9](#).
128. Subsection (2) clarifies how the general vesting procedure of the Town and Country Planning (Scotland) Act 1997 should be applied for the purposes of the Act.