

SCHEDULES

SCHEDULE 4

Section 10.

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITION OF STATUTORY UNDERTAKERS' OPERATIONAL LAND

PART I

Acquisitions by development corporations and local highway authorities

- 1 An application by a development corporation or local [^{F1}roads] authority for the purposes of section 10(1)(a) of this Act shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.

Textual Amendments

- F1** Words substituted by virtue of [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 61\(17\)](#) (where the substitution is expressed to be in Sch. 4(1))

- 2 As soon as may be after submitting the application to the Secretary of State and the appropriate Minister the acquiring authority shall serve on every owner, lessee and occupier of any land to which the application relates a notice in the prescribed form describing the land, stating that an application under the said section 10(1) (a) has been submitted in relation to the land and is about to be considered by the Secretary of State and the appropriate Minister, naming a place where a copy of the application and of the map referred to therein may be seen at any reasonable hour, and specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the application may be made.
- 3 (1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State and the appropriate Minister may, if they think fit, make a compulsory purchase order in accordance with the application, with or without modification, but shall not, unless all persons interested consent, make the order with any modification which would extend it to any land to which the application did not relate.
- (2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Secretary of State and the appropriate Minister shall, before making an order on the application, consider the objection and shall, if either the objector or the acquiring authority so desire, cause an inquiry to be held, and may then, if they think fit, make an order as aforesaid.
- (3) An objection shall not be deemed for the purposes of section 10 of this Act or this Schedule to be duly made unless—
- (a) it is made within the time and in the manner specified in the notice in that behalf, and

Changes to legislation: *There are currently no known outstanding effects for the*
New Towns (Scotland) Act 1968, SCHEDULE 4. (See end of Document for details)

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

4 A compulsory purchase order made on such an application shall be in such form as the Secretary of State and the appropriate Minister may determine, and shall describe by reference to a map the land to which the order relates.

5 As soon as may be after a compulsory purchase order has been made on such an application the acquiring authority shall serve on every owner, lessee and occupier of any land to which the order relates a notice in the prescribed form stating that the order has been made and naming a place where a copy of the order and of the map referred to therein may be seen at any reasonable hour.

PART II

Acquisitions by Secretary of State and appropriate Minister

6 A compulsory purchase order made by the Secretary of State and the appropriate Minister in pursuance of section 10(1)(b) of this Act shall be in such form as they may determine, and shall describe by reference to a map and land to which the order relates.

7 Where the Secretary of State and the appropriate Minister propose to make such an order they shall prepare a draft thereof, and shall as soon as may be thereafter serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine describing the land, stating that the making of the order is proposed, naming a place where a copy of the draft and of the map referred to therein may be seen at any reasonable hour, and specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the proposal may be made.

8 Paragraphs 3 and 5 of this Schedule shall have effect in relation to such an order—
 (a) with the substitution, for references to an application and to the making of a compulsory purchase order thereon, of references to such an order as prepared in draft and to the making of such an order, and
 (b) with the omission of the references in paragraph 3(2) to the acquiring authority.

PART III

Modification of Schedule 3, Part V in relation to compulsory purchase orders made in pursuance of s. 10

9 Part V of Schedule 3 to this Act shall have effect in relation to a compulsory purchase order made in pursuance of section 10(1) of this Act with the substitution, for the references to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of that Schedule in that behalf, of references to the date on which the service of notices required by paragraph 5 above is completed.

Changes to legislation:

There are currently no known outstanding effects for the New Towns (Scotland) Act 1968,
SCHEDULE 4.