



# New Towns (Scotland) Act 1968

## 1968 CHAPTER 16

*Powers exercisable in relation to land acquired by development corporations or highway authorities*

### **19 Power to override servitudes and other rights.**

- (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by a development corporation or local [<sup>F1</sup>roads] authority for the purposes of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies, or involves a breach of a restriction as to the use of land arising by virtue of any deed or contract:  
Provided that nothing in this subsection shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking [<sup>F2</sup>or a right conferred by or in accordance with [<sup>F3</sup>the electronic communications code]on the operator [<sup>F4</sup>an electronic communications code network].]
- (2) This section applies to the following interests and rights, that is to say, any servitude, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (3) In respect of any interference or breach in pursuance of subsection (1) above, compensation shall be payable under section 61 of the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845 or section 6 of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with an acquisition by a development corporation or local [<sup>F1</sup>roads] authority or the injury arises from the execution of works on land acquired by such a corporation or authority.
- (4) Where a person other than the development corporation or local [<sup>F1</sup>roads] authority by whom the land in question was acquired is liable to pay compensation by virtue

---

*Changes to legislation:* There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Section 19. (See end of Document for details)

---

of subsection (3) above, and fails to discharge that liability, the liability shall be enforceable against that corporation or authority:

Provided that nothing in this subsection shall be construed as affecting any agreement between that corporation or authority and any other person for indemnifying the corporation or authority against any liability under this subsection.

- (5) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the instance of any person on any ground other than such an interference or breach as is mentioned in subsection (1) above.
- (6) Nothing in this section shall be construed as authorising any act or omission on the part of a development corporation or local [<sup>F1</sup>roads] authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the corporation, authority or body.

---

#### Textual Amendments

- F1** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 61(6)**
- F2** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 47(3), **sch. 5 para. 45**
- F3** Words in s. 19(1) substituted (17.9.2003) by [Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), Sch. 1 para. 6(1)(b)(2)(a)
- F4** Words in s. 19(1) substituted (17.9.2003) by [Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), Sch. 1 para. 6(1)(b)(2)(b)
- 

#### Marginal Citations

- M1** [1845 c. 33\(102\)](#).
- M2** [1845 c. 19\(28:2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the New Towns (Scotland) Act 1968, Section 19.