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SCHEDULES

SCHEDULE 2

ACQUISITION OF LAND BY CORPORATION

PART III

PROCEDURE, COMPENSATION ETC. (SCOTLAND)

Application of Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 generally

- 20 The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (hereafter referred to as " the Act of 1947 ") shall apply to the compulsory purchase by the Corporation of land or rights in Scotland as if the Corporation were a local authority within the meaning of that Act, and as if this Act had been in force immediately before the commencement of that Act.

New rights: general application of Act of 1947 and incorporated enactments

- 21 The enactments incorporated with this Act by virtue of Part I of Schedule 2 to the Act of 1947 and that Act shall have effect with the modifications necessary to make them apply to the Corporation's compulsory acquisition of a right in Scotland in the manner described in paragraph 5 of this Schedule.

New rights: specific adaptations of Act of 1947

- 22 Paragraphs 6, 7, 8, 9(1) (so far as relating to the acquisition of a right over land forming part of a common or open space) and 10 of this Schedule shall apply for the adaptation of the Act of 1947 as they apply for the adaptation of the Act of 1946 with the substitution in paragraph 6 of " Scotland " for England and Wales and in paragraph 7 of " The National Trust for Scotland " for National Trust.
- 23 Paragraph 16 of this Schedule shall have effect in relation to that Act with the substitution of a reference to paragraph 3(1) of the Second Schedule to that Act for the reference to section 11 of the Act of 1965, and with the omission of the words from " and sections " to the end of the paragraph.
- 24 For paragraph 4 of the Second Schedule to that Act (protection for owner against severance of property) there shall be substituted the provisions substituted by paragraph 14 of this Schedule for section 8(1) of the Act of 1965, and any reference in those provisions to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.

Restrictions on application of paragraphs 21 and 22 above

- 25 So much of paragraph 21 above as relates to the Act of 1947, and paragraph 22 above, shall not apply to any compulsory purchase to which, by virtue of section 12

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or 13 of the Gas Act 1965 as amended by paragraph 14(2) of Schedule 6 to this Act, Part I of Schedule 4 to that Act applies.

New rights: specific adaptations of Lands Clauses Consolidation (Scotland) Act 1845

26 For section 61 of the Lands Clauses Consolidation (Scotland) Act 1845 (estimation of compensation) there shall be substituted the following:—

“61 In estimating the purchase money or compensation to be paid by the promoters of the undertaking in the Special Act, in any of the cases aforesaid, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the Special Act.”

27 The following provisions of that Act (being provisions stating the effect of a notarial instrument or of a disposition executed in various circumstances where there is no conveyance by persons with interests in the land):—

section 74 (failure by owner to convey);

section 76 (refusal to convey or show title or owner cannot be found);

section 98 (vesting of common land),

shall be so modified as to secure that, as against persons with interests in the land over which the right is to be compulsorily acquired such right is vested absolutely in the promoters of the undertaking.

28 Paragraph 17 of this Schedule shall have effect in relation to that Act with the substitution of a reference to sections 114 and 115 thereof for the reference to section 20 of the Act of 1965.

29 Paragraph 18 of this Schedule shall have effect in relation to that Act with the substitution of a reference to sections 117 and 118 thereof for any reference to section 22 of the Act of 1965.

New rights: compensation

30 Paragraph 19 of this Schedule shall have effect in relation to Scotland with the substitution of " Scotland " for England and Wales.

31 This Part of this Schedule shall extend to Scotland only.