

SCHEDULES

SCHEDULE 4

Section 38(7).

CONFIRMATION AND VALIDITY OF REORGANISATION SCHEMES

PART I

Procedure for confirming reorganisation schemes

- 1 Before confirming a reorganisation scheme the Secretary of State shall—
 - (a) serve on every owner and every occupier of land to which the draft scheme applies a copy of the draft scheme together with a notice naming a place within the locality in which such land is situated where a copy of the maps and plans submitted with the draft scheme may be inspected at all reasonable hours and stating that such owner or occupier may, within 28 days from the date of the service of the notice, object in such manner as may be specified in the notice to the draft scheme or to any provision contained therein; and
 - (b) in two successive weeks publish in one or more newspapers circulating in the locality in which the land to which the scheme applies is situated a notice stating that the draft scheme has been submitted to him, specifying the land to which the scheme applies, naming a place within the locality where a copy of the draft scheme and of the maps and plans submitted therewith may be inspected at all reasonable hours, and stating that any person having an interest in any land to which the scheme applies may, within 28 days from the date of the first publication of the notice, object in such manner as may be specified in the notice to the draft scheme or to any provision contained therein.
- 2 If no objection is made under paragraph 1 of this Schedule or if all objections so made are withdrawn, the Secretary of State may, subject to the provisions of paragraph 4 of this Schedule, confirm the draft scheme with or without modifications.
- 3 If any objection made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to confirm the draft scheme, cause a public local inquiry to be held, and after considering the objection and the report of the person who held the inquiry the Secretary of State may, if he thinks fit and subject to the provisions of paragraph 4 of this Schedule, confirm the draft scheme with or without modifications.
- 4 Where the Secretary of State proposes to make any modification in the draft scheme by virtue either of paragraph 2 or 3 of this Schedule, he shall, before deciding to confirm the draft scheme as so modified, serve on each of the persons referred to in sub-paragraph (a) of paragraph 1 of this Schedule and on any other person who is in his opinion may be substantially affected by such modification a notice specifying the modification and stating that such person may, within 14 days from

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the date of the service of the notice, make representations in writing concerning the modification to the Secretary of State, and the Secretary of State shall consider any representations so made before he decides whether to confirm the draft scheme as so modified.

- 5 Notwithstanding anything in paragraph 3 of this Schedule, the Secretary of State may require any person who has made an objection to state in writing the grounds thereof and may disregard the objection for the purposes of this Schedule if it is an objection which in the opinion of the Secretary of State is frivolous, or which relates exclusively to the assessment of any sum which will fall to be fixed under this Act or any other enactment by the Land Court, or which relates to the assessment of compensation on the compulsory acquisition of land or of an interest in land by virtue of section 39 of this Act.
- 6 Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (which relate to the holding of local inquiries) shall apply in relation to a public local inquiry held under paragraph 3 of this Schedule as they apply in relation to local inquiries held under the said section 210.

PART II

Validity of reorganisation schemes

- 7 On confirming a reorganisation scheme the Secretary of State shall forthwith—
- (a) serve on every person on whom a notice was required to be served under sub-paragraph (a) of paragraph 1 or paragraph 4 of this Schedule a notice stating that the scheme has been confirmed; and
 - (b) publish in one or more newspapers circulating in the locality in which the land to which the scheme applies is situated a notice stating that the scheme has been confirmed and naming a place within the locality where a copy of the scheme and of the maps and plans relating thereto may be inspected at all reasonable hours.
- 8 If any person aggrieved by a reorganisation scheme desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within 6 weeks from the date of the first publication of the notice referred to in paragraph 7(b) of this Schedule, make an application for the purpose to the Court of Session, and if any such application is made the Court, if satisfied that the scheme is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act, may quash the scheme either generally or in so far as it affects any property or interest of the applicant; but except as aforesaid the scheme shall not at any time be questioned in any proceedings whatsoever.