
Changes to legislation: There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958, Cross Heading: Provisions as to the validity of improvement orders and of orders varying or revoking improvement orders. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

PROCEDURE FOR MAKING IMPROVEMENT ORDERS AND ORDERS VARYING OR REVOKING IMPROVEMENT ORDERS AND AS TO THE VALIDITY OF ORDERS

Modifications etc. (not altering text)

C1 Sch. 1 restricted (1.8.1999) by S.S.I. 1999/1, reg. 57

PART IV

*Provisions as to the validity of improvement orders
and of orders varying or revoking improvement orders*

- 15 On making an improvement order or an order varying or revoking an improvement order 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 or, as the case may be, sub-paragraph (a) of paragraph 9 or paragraph 12 of this Schedule a notice stating that the order has been made; and
 - (b) publish in one or more newspapers circulating in the locality in which the improvement area to which the improvement order relates is situated a notice stating that the order has been made and naming a place within the locality where a copy of the order and of any maps, plans or specifications referred to therein may be inspected at all reasonable hours; and
 - (c) cause the order to be recorded in the Register of Sasines.
- 16 If any person aggrieved by an improvement order or by an order varying or revoking an improvement order 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 six weeks from the date of the first publication of the notice referred to in sub-paragraph (b) of the last foregoing paragraph make an application for the purpose to the Court of Session, and if any such application is duly made the Court, if satisfied that the order 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 order either generally or in so far as it affects any property of the applicant; but except as aforesaid the order shall not at any time be questioned in any proceedings whatsoever.

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