

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, Part IV is up to date with all changes known to be in force on or before 05 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## FIRST SCHEDULE

### PROCEDURE FOR AUTHORISING COMPULSORY PURCHASES

#### Modifications etc. (not altering text)

- C1 Sch. 1 applied by Offshore Petroleum Development (Scotland) Act 1975 (c. 8, SIF 86), s. 1, **Sch. 2 para. 1**
- C1 Sch. 1 extended by Offshore Petroleum Development (Scotland) Act 1975 (c. 8, SIF 86), s. 1, **Sch. 2 para. 1(1)(b)**

## PART IV

### VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS

#### Modifications etc. (not altering text)

- C1 Pt. IV applied with modifications by Water (Scotland) Act 1980 (c. 45, SIF 130), **Sch. 2 para. 7**
- C2 Part IV applied with modifications by Opencast Coal Act 1958 (c. 69), ss. 4, 39, **Sch. 2 Pt. I** (as amended (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 38** (with s. 40(7)); S.I. 1994/2553, **art. 2**) and Gas Act 1965 (c. 36), **s. 4(8)**; Sch. 2 paras. 11, 17
- C3 Sch. 1 Pt. IV applied (31.10.1994) by 1958 c. 69, **s. 16(5)** (as substituted by 1994 c. 21, s. 52, **Sch. 8 para. 14(7)** (with s. 40(7)); S.I. 1994/2553, **art. 2**)

- 15 (1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in subsection (1) of section one of this Act, or if any person aggrieved by a compulsory purchase order or a certificate under Part III of this Schedule desires to question the validity thereof on the ground that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within six weeks from the date on which notice of the confirmation or making of the order or of the giving of the certificate is first published in accordance with the provisions of this Schedule in that behalf, make an application to the Court of Session, and on any such application the Court—
- (a) may by interim order suspend the operation of the compulsory purchase order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
  - (b) if satisfied that the authorisation granted by the compulsory purchase order is not empowered to be granted as aforesaid, or that the interests of the applicant have been substantially prejudiced by any requirement of this Schedule or of any regulation made thereunder not having been complied with, may quash the compulsory purchase order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

(2) ..... F1

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#### Textual Amendments

**F1** Sch. 1 para. 15(2) repealed by [Tribunals and Inquiries Act 1958 \(c. 66\)](#), **Sch. 2 Pt. I**

#### Modifications etc. (not altering text)

- C4** Pt. IV para. 15 amended by [Land Compensation \(Scotland\) Act 1973 \(c. 56, SIF 28:2\)](#), **s. 60**
- C5** Pt. IV para. 15 applied (with modifications) by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 9(3), [Sch. 3 Pt. III paras. 16, 23](#)
- C6** Pt. IV para. 15 applied (with modifications) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 93, 335, **Sch. 7 Pt. II para. 11**
- C7** Para. 15 applied with modification by [Agriculture Act 1967 \(c. 22\)](#), s. 45, **Sch. 5 Pt. I para. 7**

- 16 Subject to the provisions of the last foregoing paragraph a compulsory purchase order or a certificate under Part III of this Schedule shall not, either before or after it has been confirmed, made or given, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in the last foregoing paragraph.

#### Modifications etc. (not altering text)

- C8** Pt. IV para. 16 applied (with modifications) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 93, 335, **Sch. 7 Pt. II para. 11**
- C9** Para. 16 applied with modifications by [Agriculture Act 1967 \(c. 22\)](#), s. 45, **Sch. 5 Pt. I para. 7**

- 17 This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under subsection (4) of section two, as read with section ten, of the Statutory Orders (Special Procedure) Act <sup>MI</sup>1945, or under section six of that Act, but, except as aforesaid, shall have effect in relation to a compulsory purchase order to which that Act applies as if in sub-paragraph (1) of paragraph 15 for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Schedule in that behalf there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in paragraph 16 the words from “and shall become operative” to the end were omitted.

#### Marginal Citations

**M1** 1945 c. 18 (9 & 10 GeO. 6).

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