



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART VIII

ACQUISITION OF AND DEALINGS IN LAND BY LOCAL AUTHORITIES.

General.

171 Provisions as to sale, and &c. of land to apply to land forming part of common good.

- (1) The provisions of this Part of this Act with respect to the appropriation, letting, selling, feuing or ex-cambing of land belonging to a local authority and the application of capital moneys received in respect of land shall, notwithstanding any law or practice to the contrary, apply in the case of land forming part of the common good of a burgh with respect to which land no question arises as to the right of the town council to alienate.

For the purposes of this subsection the Minister concerned shall be the Secretary of State.

- (2) A town council may, with consent of and subject to such conditions as may be imposed by the Secretary of State, sell or feu land forming part of the common good of the burgh where such land or the buildings thereon have at some time been used as a town hall or offices or buildings for the transaction of the business of the burgh and have ceased or are about to cease to be so used, notwithstanding any question as to the right of the council to alienate such land or buildings.
- (3) Where the town council of a burgh desire to sell or feu land forming part of the common good (other than lands to which the preceding subsections of this section apply), they may, notwithstanding any question as to the right of the council to alienate the same, make application to the Court of Session or the sheriff to authorise them to sell or feu the land, and the Court or the sheriff, if they or he thinks fit to do so after such inquiry as is considered necessary, may, notwithstanding any law or practice to the contrary and subject to such conditions, if any, as they or he may impose, authorise the council to sell or feu the land and do otherwise in the petition as appears to be

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just, and the council shall be entitled to sell or feu the land in accordance with the authority so obtained.

- (4) Conditions imposed by the Secretary of State under subsection (2) of this section or by the Court of Session or the sheriff under subsection (3) of this section may, if it is thought proper, require that the town council shall provide in substitution for the land proposed to be sold or feued other land belonging to or proposed to be purchased by the council, which land shall be used for the purpose for which the land proposed to be sold or feued was used.