



# Requisitioned Land and War Works Act 1945

## 1945 CHAPTER 43

### PART X

#### MISCELLANEOUS AND GENERAL.

#### **60 Application to Scotland.**

- (1) This Act shall apply to Scotland subject to the modifications set out in this section.
- (2) For any reference to the Minister of Health, to the Minister of Agriculture and Fisheries, to the Minister of Town and Country Planning, or to the Minister of Education there shall be substituted a reference to the Secretary of State; and for any reference to the High Court there shall be substituted a reference to the Court of Session.
- (3) For any reference to the War Agricultural Executive Committee as defined by section thirty of the Agriculture (Miscellaneous War Provisions) Act, 1940, there shall be substituted a reference to the Agricultural Executive Committee referred to in section thirty-one of that Act; for any reference to the Town and Country Planning (Interim Development) Act, 1943 there shall be substituted a reference to the Town and Country Planning (Interim Development) (Scotland) Act, 1943; for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette; for any reference to a local education authority there shall be substituted a reference to an education authority; for any reference to a parish council there shall be substituted a reference to a district council; for any reference to a justices' licence for the sale of intoxicating liquor there shall be substituted a reference to a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903, for the sale of excisable liquor; and for any reference to the Licensing (Consolidation) Act, 1910, there shall be substituted a reference to the Licensing (Scotland) Acts, 1903 to 1934.
- (4) For references to the freehold of or to a leasehold interest in land there "shall be respectively substituted references to the dominium utile or, in the case of land other than feudal land, the ownership of land, and to a lease of land;

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subject to be enclosed under the Inclosure Acts, 1845 to 1882, and to fuel or field garden allotments shall be omitted; any reference to an interest reversionary on a lease or tenancy shall be construed as a reference to the interest of the landlord in land subject to a lease; any reference to land includes a reference to salmon fishings; "arbitrator" means "arbitrator"; and "easement" includes servitude and any right to lay down, continue or maintain any pipe, sewer, drain, wire or cable on, under or over any land.

- (5) In section two, subsection (4) shall have effect as if subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, applied to Scotland, subject, however, to the following modifications:—
- (a) for any reference to a summons there shall be substituted a reference to an order;
  - (b) the word "summarily" in subsection (4) shall be omitted; and
  - (c) for the words in subsection (5) from "made a rule" to the end of the subsection, there shall be substituted the words "enforced as if it were a recorded decree arbitral".
- (6) An order under section seven discharging or modifying a restriction as to the user of land or as to building thereon shall be recorded in the appropriate register of sasines.
- (7) In section eight, paragraph (a) of subsection (1) shall have effect as if—
- (i) the words "where the land is registered land within the meaning of the Land Registration Act, 1925," were omitted; and
  - (ii) for the word "register" there were substituted the words "valuation roll."
- (8) In section ten, subsection (1) shall have effect as if the reference to the Arbitration Acts, 1889 to 1934, were omitted.
- (9) In section fifteen, subsection (2) shall have effect as if for paragraph (b) there were substituted the following paragraph—
- “(b) for directing that any highway to be provided or improved, or any highway provided or improved before the making of the order, 3.s a, substitute for any highway stopped up under the order, shall be maintained and managed by a county or town council and for specifying which council, shall be responsible for such maintenance and management”.
- (10) For section twenty-seven the following section shall be substituted:—
- “(1) The following provisions of the Town and Country Planning (Scotland) Act, 1932, that is to say, Part III of the First Schedule, Part I of the Third Schedule (except paragraph 2 and sub-paragraph (iii) of paragraph 3) and paragraph 4 (except head (b) of sub-paragraph (i) ) of Part II of that Schedule shall apply in relation to a purchase of land authorised under this Part of this Act subject to the following modifications:—
- (a) for references to the Department' of Health for Scotland and to the responsible authority there shall be substituted respectively references to the appropriate Minister and to a local authority or combination of local authorities, and anything which has to be prescribed shall be prescribed by the appropriate Minister;
  - (b) where work has been done on the land by the acquiring authority or combination of authorities, the appropriate Minister may, if he thinks fit—

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- (i) direct that paragraph 4 of Part I of the said Third Schedule (which relates to the publication and service of notices) either shall not apply or shall apply subject to such modifications as may be specified in the direction;
      - (ii) confirm the order without causing a local inquiry to be held notwithstanding that objections (being objections not relating to matters which can be dealt with by the tribunal by whom the compensation is to be assessed) have been duly made and have not been withdrawn; and
    - (c) where any local inquiry requires to be held, the provisions of subsection (4) of section two of this Act as that subsection applies to Scotland shall apply to the inquiry in lieu of the provisions of the said Act of 1932, with the substitution of a reference to the appropriate Minister for the reference to the Commission.
  - (2) Nothing in the last preceding subsection shall authorise the compulsory acquisition of any land which is the site of an ancient monument or other object of archaeological interest, or which belongs to any local authority or to any public undertakers within the meaning of the Housing (Scotland) Act, 1935; and where any land proposed to be acquired by means of a compulsory purchase order made in pursuance of that section is situate within such distance as may be prescribed by the Secretary of State from any of the royal palaces or parks, the acquiring authority or combination of authorities shall, before submitting the order to the appropriate "Minister for confirmation, send a copy of it to the Minister of Works".
- (11) For section thirty-seven the following section shall be substituted:—
- “(1) If, in the opinion of the Minister, he will be unable, or unable without undue delay, to acquire any servitude or right by agreement, he may, at any time after fourteen days from the service of the notice to treat, execute and record in the appropriate register-of sasines a deed conferring on himself, and, except so far as otherwise expressed, his successors in title, the servitude or right in question.
  - (2) A deed so executed and recorded shall be enforceable against any persons having any interest in the land affected by the servitude or right, and against any persons deriving title from them.
  - (3) A statement in a deed executed under this section that the requirements of subsection (3) of the last preceding section have been complied with shall be conclusive evidence that those requirements have been complied with.
  - (4) Where the Minister executes a deed under this section, he shall give notice of the effect thereof in such manner as is, in his opinion, best adapted for informing persons affected”.
- (12) In subsection (1) of section fifty-nine, for the definition of local authority there shall be substituted the following definition—
- “local authority ' means a county or town council”;
- and in subsection (5) of that section the words from " and any such covenant " to the end of the subsection shall be omitted.

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- (13) A Ideal authority shall have power to borrow for the purpose of acquiring land under Part V of this Act, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, shall apply to the power hereby

Any sums so borrowed shall be repaid within such period as the Secretary of State may fix: