

1970 No. 1738 (S.142)

NEW TOWNS

SCOTLAND

**The New Towns (Particulars and Forms of Orders and Notices)
(Scotland) Regulations 1970**

| | | |
|-------------------------------|-------|--------------------|
| <i>Made</i> | - - - | 16th November 1970 |
| <i>Laid before Parliament</i> | | 27th November 1970 |
| <i>Coming into Operation</i> | | 1st December 1970 |

In exercise of the powers conferred upon me by section 46(1) of the New Towns (Scotland) Act 1968(a) (hereinafter referred to as "the Act"), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the New Towns (Particulars and Forms of Orders and Notices) (Scotland) Regulations 1970 and shall come into operation on 1st December 1970.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) The New Towns (Particulars and Forms of Orders and Notices) (Scotland) Regulations 1947(c) are hereby revoked except in so far as the forms therein prescribed are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date.

2. In these regulations reference to a map shall be to a map of a scale of not less than 25 inches to the mile.

3. The particulars to be given by an owner or occupier for the purposes of paragraph 5 of Part I of Schedule 3 to the Act, shall be the name and address of the owner or occupier, a description of the land in which the owner or occupier has an interest sufficient to enable the development corporation or local highway authority to identify the extent and boundaries thereof, and the nature of the interest of the owner or occupier.

4. Any notice or other document to be served on an owner or occupier in the manner provided by section 45(2) of the Act, shall at the beginning of such notice or document have clearly and legibly inscribed upon it in the following form the words:

IMPORTANT—This communication affects
YOUR PROPERTY

(a) 1968 c. 16.

(b) 1889 c. 63.

(c) S.R. & O. 1947/2244 (Rev. XXII, p. 979: 1947 I, p.2150).

and where the notice or document is sent under cover otherwise than in a prepaid registered letter or by the recorded delivery service the cover shall in addition be endorsed in like manner.

5. The forms set out in the schedule hereto or forms as near thereto as circumstances admit, shall be the forms to be used for the purposes of the Act in the cases to which those forms are applicable.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
16th November 1970.

Regulation 5

SCHEDULE

LIST OF FORMS

| <i>Form</i> | <i>Purpose</i> | <i>Reference to section of Act</i> |
|-------------|--|--|
| 1. | Form of representation by a statutory undertaker with reference to a designation order. | 10(4) |
| 2. | Form of compulsory purchase order. | 7 or 8 and paragraph 1 of Schedule 3 |
| 3. | Form of advertisement and notice of submission of a compulsory purchase order for confirmation. | Paragraph 2 of Schedule 3 |
| 4. | Form of advertisement and notice of confirmation of a compulsory purchase order. | Paragraph 5 of Schedule 3 |
| 5. | Form of representation by a statutory undertaker with reference to a compulsory purchase order. | 10(3) |
| 6. | Form of application for a compulsory purchase order in relation to land held for the carrying on of a statutory undertaking. | 10(1)(a) and paragraph 1 of Schedule 4 |
| 7. | Form of notice of application for a compulsory purchase order in relation to land held for the carrying on of a statutory undertaking. | Paragraph 2 of Schedule 4 |
| 8. | Form of notice of the making of a compulsory purchase order in relation to land held for the carrying on of a statutory undertaking. | Paragraph 5 of Schedule 4 |
| 9. | Form of advertisement of certificate where land is given in exchange. | Paragraph 13(3) of Schedule 3 |
| 10. | Form of advertisement of certificate where the giving of land in exchange is declared to be unnecessary. | Paragraph 13(3) of Schedule 3. |

FORM NO. 1

Form of representation by a statutory undertaker with reference to a designation order.

NEW TOWNS (SCOTLAND) ACT 1968

To the Minister of (1)

The(2) , being a person carrying on a statutory undertaking, hereby make a representation in accordance with the provisions of section 10(4) of the New Towns (Scotland) Act 1968 that the land situate at particulars of which are set out in the schedule hereto, and included in the area designated by the Draft(3) Designation Order 19 , is land to which the said section 10 applies.

Signed on behalf of the undertaker
Dated.....19.....

Schedule

| Nature of the undertaking and statute from which the undertaker derives his powers | Extent, description and situation of the land | Interest of the undertaker in the land | Purpose for which land is held by undertaker and present use if different therefrom |
|--|---|--|---|
|--|---|--|---|

Directions for filling up this Form

- (1) Insert name of appropriate Minister as defined by section 47(1) and (3) of the New Towns (Scotland) Act 1968.
- (2) Insert name and address of the statutory undertaker.
- (3) Insert title of Draft Designation Order.

FORM NO. 2

Form of compulsory purchase order.

NEW TOWNS (SCOTLAND) ACT 1968

The.....Compulsory Purchase Order, 19.....

The(1) (in this Order referred to as ["the corporation"] ["the local highway authority"]) in exercise of the powers conferred on them by section(2) of the New Towns (Scotland) Act 1968 (hereinafter referred to as "the Act") hereby make the following order.

1. Subject to the provisions of this order the [corporation] [local highway authority] are hereby authorised to purchase compulsorily for the purposes of (3) the land described in the schedule hereto, which land is numbered and shown delineated and coloured blue on [a map] [maps](4) marked(5)

signed and sealed with reference to this order and annexed hereto.

2. (6)Section 70 of the Railways Clauses Consolidation (Scotland) Act 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the Act, as respects the land to which this order relates.

3. (1) This order may be cited as (7).....Compulsory Purchase Order 19.....

(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Given under the seal of the(1)

on

, 19 .

(Signed).....

Schedule

| Number on the map | Extent, description and situation of the land |
|-------------------|---|
| | |

Directions for filling up this Form

- (1) Insert name of corporation or local highway authority making the order.
- (2) Insert section of the Act under which the compulsory purchase order is made.
- (3) Insert statement of purpose in terms of the section of the Act under which the compulsory purchase order is made.
- (4) Delete as may be appropriate.
- (5) The map(s) should be identified by a heading in terms of the title of the order.
- (6) The application of Sections 70, and 71 to 78, to all or any of the land is optional. The paragraph should be deleted or adapted as may be necessary.
- (7) Insert short title of order.

FORM No. 3

Form of advertisement and notice of submission of a compulsory purchase order for confirmation.

NEW TOWNS (SCOTLAND) ACT 1968 (Title of Order)

To:(1)

Notice is hereby given that the(2)
in exercise of the powers conferred on them by section(3)
of the New Towns (Scotland) Act 1968 made the above mentioned order on
, 19 , which has been submitted for confirmation by the
Secretary of State, authorising them to purchase compulsorily for the purposes of(4)
the land described in the schedule hereto.

Copies of the order and of the map(s) referred to therein [and of the descriptive matter annexed thereto⁽⁵⁾] have been deposited at and will be open for inspection without payment of fee between the hours of and

Any objection to the order must be made in writing to the Secretary of State, on or before⁽⁶⁾, 19. The objection must state the grounds on which it is made and should be addressed to the Secretary, Scottish Development Department.⁽⁷⁾

The Secretary of State is not, in all cases, required to afford to a person making an objection an opportunity of appearing before and being heard by a person appointed by him for that purpose. It is important, therefore, that the grounds upon which an objection is made should be stated in full as the objector may have no further opportunity of making such a statement.

Any owner or occupier of any land to which the order relates may send to the⁽²⁾ at⁽⁸⁾ a request in writing to serve him with a notice that the order has been confirmed, and naming a place where copies of the order and of the map(s) and of any descriptive matter annexed thereto, may be seen. Such request should be accompanied by a statement giving the following particulars, viz., the name and address of the owner or occupier, a description of the land in which he has an interest sufficient to enable the [corporation] [local authority] to identify the extent and boundaries thereof, and the nature of his interest.

Dated, 19. Signature of { duly authorised officer of the corporation Clerk to the local authority.....

Schedule

(Here insert description of the land to which the order relates.)

Directions for filling up this Form

- (1) Omit from advertisement. (2) Insert name of corporation or local authority making the compulsory purchase order. (3) Insert section of the Act under which the compulsory purchase order is made. (4) Insert statement of purpose as set out in the compulsory purchase order. (5) Delete where inapplicable. (6) Insert a date not less than 28 days from the first local advertisement. (7) Insert the address of the Department—currently St. Andrew’s House, Edinburgh EH1 3DD. (8) Insert appropriate address.

FORM No. 4

Form of advertisement and notice of confirmation of a compulsory purchase order.

NEW TOWNS (SCOTLAND) ACT 1968

(Title of Order)

To:⁽¹⁾

Notice is hereby given that the Secretary of State in exercise of the powers conferred on him by section (2) of the New Towns (Scotland) Act 1968 confirmed [with modifications⁽³⁾] on, 19, the above mentioned order submitted to him by the⁽⁴⁾, authorising the [corporation] [local authority] to purchase compulsorily for the purposes

of⁽⁵⁾ the land described in the schedule hereto.

Copies of the confirmed order and of the map(s) referred to therein [and of the descriptive matter annexed thereto ⁽³⁾] have been deposited at and will be open for inspection without payment of fee between the hours of and

The order as confirmed becomes operative on the date on which this notice is first published, but if application is made to the Court of Session under paragraph 14 of Schedule 3 to the New Towns (Scotland) Act 1968 within a period of six weeks from that date by any person aggrieved by the order the Court may, by interim order, suspend the operation of the order either generally or in so far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made thereunder not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

Dated , 19 .

Signature of { duly authorised officer of the corporation..... Clerk to the local authority.....

Schedule

(Here insert description of the land to which the order relates.)

Directions for filling up this Form

- (1) Omit from advertisement.
(2) Insert section of the Act under which the compulsory purchase order is made.
(3) Delete if inapplicable.
(4) Insert name of corporation or local authority making the compulsory purchase order.
(5) Insert statement of purpose as set out in the compulsory purchase order.

FORM NO. 5

Form of representation by a statutory undertaker with reference to a compulsory purchase order.

NEW TOWNS (SCOTLAND) ACT 1968

(Title of Order)

To the Minister of (1)

The(2) being a person carrying on a statutory undertaking, hereby make a representation in accordance with the provisions of section 10(3) of the New Towns (Scotland) Act 1968 that the land situate at particulars of which are set out in the schedule hereto, is land to which the said section 10 applies, and hereby requests that such land should be excluded from the above mentioned order [submitted to the Secretary of State by the(3) on , 19] [proposed to be made by the Minister of (1)] (4) authorising the compulsory purchase of the said land for the purposes of (5)

Signed on behalf of the undertaker.

Dated....., 19.....

Schedule

| Nature of the undertaking and statute from which the undertaker derives his powers | Extent, description and situation of the land | Interest of the undertaker in the land | Purpose for which land is held by undertaker and present use if different therefrom |
|--|---|--|---|
|--|---|--|---|

Directions for filling up this Form

- (1) Insert name of appropriate Minister as defined by section 47(1) and (3) of the Act.
- (2) Insert name and address of the statutory undertaker.
- (3) Insert name of corporation or local authority submitting the compulsory purchase order.
- (4) Delete the phrase in square brackets which does not apply.
- (5) Insert statement of purpose as set out in the compulsory purchase order.

FORM NO. 6

Form of application for a compulsory purchase order in relation to land held for the carrying on of a statutory undertaking.

NEW TOWNS (SCOTLAND) ACT 1968

The⁽¹⁾ _____ in exercise of the powers conferred on them by section 10(1)(a) of, and paragraph 1 of Schedule 4 to, the New Towns (Scotland) Act 1968 hereby apply to the Secretary of State and the Minister of⁽²⁾ _____ for an order to be made by the said Ministers authorising the [corporation] [local authority] to purchase compulsorily for the purposes of⁽³⁾ _____ the land situate at _____ and⁽⁴⁾ _____ by the⁽⁵⁾ _____ for the purposes of carrying on their undertaking, being land to which the provisions of the said section 10 apply, which land is shown delineated and coloured blue on a map marked⁽⁶⁾ _____ and signed and sealed with reference to this application.

Dated _____, 19 ____.

Signature of { duly authorised officer of the corporation.....
 { Clerk to the local authority.....

Directions for filling up this Form

- (1) Insert name of corporation or local authority making the application.
- (2) Insert name of appropriate Minister as defined by section 47(1) and (3) of the Act.
- (3) Insert statement of purpose in terms of the relevant section of the Act.
- (4) Insert the word "used" or the words "in which an interest is held," as the case may be.
- (5) Insert name and address of the statutory undertaker.
- (6) The map should be identified by an appropriate heading.

FORM NO. 7

Form of notice of application for a compulsory purchase order in relation to land held for the carrying on of a statutory undertaking.

NEW TOWNS (SCOTLAND) ACT 1968

To:(1)

Notice is hereby given that the(2) in exercise of the powers conferred on them by section 10(1)(a) of, and paragraph 1 of Schedule 4 to, the New Towns (Scotland) Act 1968 applied on , 19 , to the Secretary of State and the Minister of(3) for an order to be made by those Ministers authorising the [corporation] [local authority] to purchase compulsorily for the purposes of(4) the land described in the schedule hereto and(5) by the (6) for the purpose of carrying on their undertaking, being land to which the provisions of the said section 10 apply; and that the application is about to be considered by those Ministers.

Copies of the application and of the map referred to therein have been deposited at and will be open for inspection without payment of fee between the hours of and .

Any objection to the application must be made in writing to the Secretary of State on or before(7) , 19 . The objection must state the grounds on which it is made and should be addressed to the Secretary, Scottish Development Department.(8)

Dated , 19 .

Signature of { duly authorised officer of the corporation..... Clerk to the local authority.....

Schedule

(Here insert description of the land comprised in the application)

Directions for filling up this Form

- (1) Insert name and address of person on whom the notice is required to be served.
(2) Insert name of corporation or local authority making the application.
(3) Insert name of appropriate Minister as defined by section 47(1) and (3) of the Act.
(4) Insert statement of purpose as set out in the compulsory purchase order.
(5) Insert the word "used" or the words "in which an interest is held," as the case may be.
(6) Insert name and address of statutory undertaker.
(7) Insert a date not less than 28 days from the service of the notice.
(8) Insert the address of the Department—currently St. Andrew's House, Edinburgh, EH1 3DD.

FORM NO. 8

Form of notice of the making of a compulsory purchase order in relation to land held for the carrying on of a statutory undertaking.

NEW TOWNS (SCOTLAND) ACT 1968

(Title of Order)

To:(1)

Notice is hereby given that the Secretary of State and the Minister of(2) in exercise of the powers conferred on them by

section 10(1)(a) of, and paragraph 1 of Schedule 4 to, the New Towns (Scotland) Act 1968 made [with modifications⁽³⁾] on the 19 , the above mentioned order in accordance with an application submitted to them by the⁽⁴⁾ authorising the [corporation] [local authority] to purchase compulsorily for the purposes of⁽⁵⁾ the land described in the schedule hereto.

Copies of the order and of the map referred to therein have been deposited at and will be open for inspection without payment of fee between the hours of and

Dated , 19 .

Signature of { duly authorised officer of the corporation.....
 { Clerk to the local authority.....

Schedule

(Here insert description of the land to which the order relates.)

Directions for filling up this Form

- (1) Insert name and address of person on whom the notice is required to be served.
- (2) Insert name of appropriate Minister as defined by section 47(1) and (3) of the Act.
- (3) Delete if inapplicable.
- (4) Insert name of corporation or local authority making the application.
- (5) Insert statement of purpose as set out in the compulsory purchase order.

FORM NO. 9

Form of advertisement of certificate where land is given in exchange.

NEW TOWNS (SCOTLAND) ACT 1968

Whereas by section 8 and paragraph 13(1)(a) of Schedule 3 to, the New Towns (Scotland) Act 1968, (hereinafter referred to as "the Act"), it is enacted that where a compulsory purchase by a development corporation or a local highway authority of any land forming part of any common or open space for a purpose other than the widening of an existing highway, the order so far as it relates to the acquisition of such land shall be subject to special parliamentary procedure except where the Secretary of State is satisfied that there has been or will be given in exchange for such land other land not being less in area, (unless the persons in whom the land was vested otherwise agree), and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attached to the land purchased, and certifies accordingly;

And whereas the⁽¹⁾ authorises the compulsory purchase of land forming part of the⁽²⁾ ;

And whereas certain land has been or is proposed to be given in exchange for such land;

And whereas public notice has been given by the Secretary of State of his intention to give a certificate under paragraph 13(1)(a) of Schedule 3 to the Act as respects the proposed exchange, and an opportunity has been afforded to all persons interested to make representations and objections in relation thereto to the Secretary of State;

⁽³⁾And whereas the Secretary of State having had regard to representations and objections made, has caused a public local inquiry to be held and having considered the report of the person who made the inquiry, has decided to give a certificate:

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