



Scottish Development Agency Act 1975

1975 CHAPTER 69

Various powers of the Agency

5^{F1}

Textual Amendments

F1 S. 5 repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), s. 22, [Sch. 2](#)

[^{F2}6 Provision of sites and premises for industry.

- (1) The Agency shall exercise its powers of providing or managing industrial sites and premises and related facilities in accordance with arrangements to be approved by the Secretary of State.
- (2) Any such arrangement may provide that, if it appears to the Secretary of State that there are circumstances which justify the giving of special assistance, he may authorise the Agency to provide premises for the occupation of an undertaking free of rent for such time as the Secretary of State thinks appropriate.
- (3) Without prejudice to the generality of subsection (1) above, the Secretary of State may authorise the Agency to undertake or assist in the provision of means of access or other services or facilities in or for an area where this appears to him to be expedient for the purpose of contributing to or supporting the development of industry in that area.
- (4) Section 36 of the ^{M1}New Towns (Scotland) Act 1968 (winding up of development corporation) shall have effect as respects the Agency as it has effect as respects local authorities and, accordingly, any reference in that section to local authorities (except the reference to areas of such authorities) shall be construed as including a reference to the Agency.]

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: Various powers of the Agency. (See end of Document for details)

Textual Amendments

F2 Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Marginal Citations

M1 1968 c. 16.

[^{F3}7] **Development and improvement of the environment.**

- (1) For the purposes mentioned in section 2(2)(g) of this Act, the Agency shall, after consultation with such local authorities, statutory and other bodies as appear to the Agency to have an interest, from time to time prepare and submit to the Secretary of State for his approval proposals for the development, re-development or improvement of any area.
- (2) The Secretary of State may approve, in whole or in part, or with modifications, any proposals submitted to him under subsection (1) above, or may refuse to approve them, and any such approval may be given in relation to a specific act of the Agency or in relation to all acts of a class or description specified in the approval, and may be given subject to such conditions as may be so specified.
- (3) The Agency, either by themselves or by agents or in conjunction with any other person, may implement or assist in implementing proposals approved under this section.
- (4) The Agency may appoint any person to act as the agent of the Agency for the purposes of this section.
- (5) The Secretary of State may, if he considers it expedient, and subject to subsection (6) below, incorporate in his approval under subsection (2) above a direction that the approval shall have effect as planning permission for the development, and any such direction shall have effect and the provisions of the ^{M2}Town and Country Planning (Scotland) Act 1972 shall apply as if it were planning permission granted by the Secretary of State under section 32 of that Act and as if any conditions to which the approval is subject, being conditions which could have been imposed by the Secretary of State under the said section 32, were conditions of that planning permission.
- (6) Before making any direction under subsection (5) above, the Secretary of State shall consult each planning authority concerned, advertise the development proposed, consider any representations in relation thereto and may cause a local inquiry to be held in connection therewith.
- (7) Section 267 of the ^{M3}Town and Country Planning (Scotland) Act 1972 shall apply to a local inquiry held by virtue of subsection (6) above as it applies to a local inquiry held by virtue of that section.
- (8) The Agency may make payments of such amount and in such manner as they may, with the approval of the Secretary of State and the Treasury determine, to any person towards the cost of carrying out works specified in proposals approved under this section.
- (9) Without prejudice to the generality of subsection (8) above, the Agency may make payments to a local authority in accordance with arrangements approved by the

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Secretary of State, with the consent of the Treasury, in respect of any expenses incurred by that authority in acquiring land, undertaking clearance or carrying out preliminary development works for the purposes of proposals approved under this section, but payments may not be made under this subsection to the extent that grants have been or are to be made to the authority by virtue of sections 237 to 239 of the ^{M4}Town and Country Planning (Scotland) Act 1972 in respect of the acquisition of such land, and grants shall not be made by virtue of the said sections to the extent that payments have been or are to be made to the authority by the Agency under this subsection.]

Textual Amendments

F3 Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Marginal Citations

M2 1972 c. 52.
M3 1972 c. 52.
M4 1972 c. 52.

[^{F48} Derelict land.

- (1) Where it appears to the Agency that land is derelict, neglected or unsightly and that steps should be taken for the purpose of enabling the land (in this Act referred to as “derelict land”) to be brought into use or of improving its appearance, the Agency shall, in accordance with arrangements approved by the Secretary of State, exercise the powers conferred by this section.
- (2) The Agency may acquire, by agreement or compulsorily, the derelict land and any other land, whether or not adjacent to the derelict land, whose acquisition is reasonably required for the purpose of bringing into use or improving the appearance of the derelict land, and may carry out on the derelict land and other land such works as appear to them to be expedient for the purpose of enabling the land to be brought into use or of improving its appearance.
- (3) After carrying out works on land under this section, the Agency may dispose of the land free of charge to a local authority or to a development corporation within the meaning of the ^{M5}New Towns (Scotland) Act 1968 for the purpose of use of the land as a public open space.
- (4) The Agency may appoint a local authority or other public body to act as their agent for the purposes of this section, and any such authority or body so appointed may exercise any of the powers of the Agency under this section other than the power of the Agency to acquire land compulsorily or to dispose of land under subsection (3) above.
- (5) Where the Agency exercise or propose to exercise their powers under this section in connection with land as respects which a local authority have before the appointed day incurred expenditure in the exercise of similar powers, the Agency may, if they think fit, pay to the authority concerned the amount of that expenditure or any part thereof.
- (6) The Agency’s powers under this section shall be exercisable on and after such date as the Secretary of State may by order appoint (in this section referred to as “the appointed day”).

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- (7) Section 8(3) and (5) of the ^{M6} Local Employment Act 1972 (derelict land) shall cease to have effect on the appointed day, except in the case of schemes as respects which an offer of grant has been made by the Secretary of State and the scheme to which it relates has been a subject of a tender accepted by the local authority concerned before that day.
- (8) On the appointed day section 10 of the ^{M7} Local Government (Scotland) Act 1966 (derelict land) and section 67(1)(c) of the ^{M8} Countryside (Scotland) Act 1967 (so far as relating to section 2(1)(b) of the ^{M9} Local Government (Development and Finance) (Scotland) Act 1964) shall cease to have effect, except in the case of schemes as respects which an offer of grant has been made by the Secretary of State and the scheme to which it relates has been the subject of a tender accepted by the local authority concerned before that day.]

Textual Amendments

- F4** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Modifications etc. (not altering text)

- C1** The text of ss. 8(7)(8) and 27 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** 1968 c. 16.
M6 1972 c. 5.
M7 1966 c. 51.
M8 1967 c. 86.
M9 1964 c. 67.

[^{F59} Acquisition and disposal of land.

- (1) Subject to subsection (4) below, for or in connection with the performance of any of their functions under this Act, the Agency may, in accordance with arrangements made with the Secretary of State—
- (a) by agreement acquire land, whether by way of purchase, [^{F6} feu,] lease or excambion;
 - (b) acquire land compulsorily;
 - (c) hold and manage land acquired by them and dispose of, or otherwise deal with, such land.
- (2) Except as provided in section 8(3) of this Act, the Agency shall not, except with the consent of the Secretary of State, dispose of or grant a lease of land for a consideration less than the best that can reasonably be obtained.
- (3) For the purpose of the acquisition of land by agreement by the Agency, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the ^{M10} Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the ^{M11} Railways Clauses Consolidation (Scotland) Act 1845 and sections

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71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the ^{M12} Mines (Working Facilities and Support) Act 1923, shall be incorporated with this section, and in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act, and the Agency to be the promoters of the undertaking or company, as the case may require.

- (4) Where the Agency propose to acquire land compulsorily for or in connection with the carrying on of industrial undertakings in any area, they may acquire only such land as appears to them to be necessary to secure an adequate supply of land for industrial undertakings in that area.
- (5) The ^{M13} Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land by the Agency as if this Act had been in force immediately before the commencement of that Act and as if the Agency were a local authority within the meaning of that Act.
- (6) The power of the Agency to acquire land compulsorily under this Act shall include power to acquire a servitude or other right in or over land by the creation of a new right.
- (7) For the purposes of section 278 of the ^{M14} Town and Country Planning (Scotland) Act 1972 (general vesting declarations), the Agency shall be deemed to be a public authority to which that section applies.]

Textual Amendments

- F5** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F6** Word in s. 9(1)(a) ceases to have effect (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), Sch. 12 paras. 37(2), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Marginal Citations

- M10** 1845 c. 19
M11 1845 c. 33.
M12 1923 c. 20.
M13 1947 c. 42.
M14 1972 c. 52.

[^{F7}10 Powers of entry.

- (1) Subject to subsection (2) below, any person duly authorised in writing by . . . ^{F8} the Agency may, at any reasonable time, enter upon land in order to survey it—
 - (a) where the Agency have under consideration the lease or purchase of the land;
 - (b) for the purpose of the erection of buildings or other structures, or the carrying out of works or other operations on the land or the provision of equipment and services on or in connection with the land;
 - (c) for the purpose of determining whether, and if so in what manner, any of the functions of the Agency . . . ^{F8} (other than functions referred to in section 2(2) (a) or (b) of this Act) should be exercised in relation to the land.
- (2) A person authorised under this section to enter upon any land shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority, and

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shall not demand admission as of right to any land which is occupied unless at least 5 days' notice, or in the case of land occupied for residential purposes at least 14 days' notice, of the intended entry has been given to the occupier.

- (3) Where any land is damaged in the exercise of a power of entry conferred under this section or in the making of any survey for the purpose of which any such power of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State or the Agency, as the case may be and the amount of such compensation shall, in the case of any dispute, be determined by the Lands Tribunal for Scotland.

- (4) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention so to do has been included in the notice required by subsection (2) of this section, and if the land in question is held by any statutory undertakers, and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

In this subsection "appropriate Minister" and "statutory undertakers" have the same meanings as they have respectively in sections 213 and 275 of the ^{M15}Town and Country Planning (Scotland) Act 1972 except that "appropriate Minister" includes the Secretary of State for Industry in relation to the Post Office and the Secretary of State in relation to the Civil Aviation Authority and "statutory undertakers" includes the Post Office and the Civil Aviation Authority.

- (5) A person entering upon any land by virtue of this section may take with him such other persons as may be necessary, and on leaving any premises which he has so entered, being either unoccupied premises or premises of which the occupier is temporarily absent, shall leave them as effectively secured against unauthorised entry as he found them.
- (6) A person who wilfully obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.
- (7) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

- [Nothing in this section shall affect any rights conferred by or in accordance with the ^{F9}(8) telecommunications code on the operator of a telecommunications system or any duty of any such operator under that code or apply to any telecommunication apparatus kept installed for the purposes of any such system.]]

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Textual Amendments

- F7** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F8** Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **Sch. 4 Pt. II**
- F9** [S. 10\(8\)](#) substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **Sch. 4 para. 63**

Modifications etc. (not altering text)

- C2** [S. 10\(4\)](#) extended by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), Sch. 7 para. 2(1)(xxxi), **Sch. 8 para. 33**
- C3** [S. 10\(4\)](#) modified by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), **Sch. 7 para. 2(9)(g)**, Sch. 8 para. 33

Marginal Citations

- M15** [1972 c. 52](#).

[^{F10}11] **Power to obtain information.**

- (1) For the purpose of enabling the Secretary of State or the Agency to make an order or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make or serve, the Secretary of State or the Agency may require the occupier of any premises, and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as [^{F11}superior,] owner, heritable creditor, lessee or otherwise.
- (2) Any person who, having been required in pursuance of this section to give any information, refuses or fails without reasonable cause to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F12}level 3 on the standard scale].
- (3) Any person who, having been so required to give any information, knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.
- (4) Where an offence under this section committed by a body corporate or a Scottish firm is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, partner, manager, secretary or other similar officer of the body corporate or firm or a person who was purporting to act in any such capacity, he as well as the body corporate or, as the case may be, the firm shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) Where the affairs of a body corporate are managed by its members, subsection (4) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (6) Nothing in section 9 of the ^{M16}Statistics of Trade Act 1947 (restrictions on disclosure of information obtained under that Act) shall prevent or penalise the disclosure by the Secretary of State, the [^{F13}Training Commission], the Employment Service Agency

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or the Training Services Agency to an officer of the Agency of information obtained under that Act, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there; and, accordingly, section 4 of the ^{M17} Employment and Training Act 1973 (obtaining and disclosure of information by the Commission and Agencies) shall have effect as if—

- (a) in subsection (3)(*e*), after the word “1972” there were inserted the words “the Scottish Development Agency”;
- (b) in subsection (5), after paragraph (*d*) there were inserted the following paragraph—
 - “(dd) in the case of information given to an officer of the Scottish Development Agency, the purposes conferred on that Agency by the Scottish Development Agency Act 1975;”.]

Textual Amendments

- F10** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F11** Word in s. 11(1) ceases to have effect (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), Sch. 12 paras. 37(3), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F12** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F13** Words substituted by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33, **Sch. 3 Pt. II**

Modifications etc. (not altering text)

- C4** The text of s. 11(6) is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M16** 1947 c. 39.
- M17** 1973 c.50

Changes to legislation:

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