

SCHEDULES

SCHEDULE 1

Section 1.

MAKING AND REVOCATION OF EXPEDITED ACQUISITION ORDERS

- 1 (1) Before making an expedited acquisition order the Secretary of State shall—
 - (a) serve on every owner, lessee and occupier of any of the land to be specified in the order; and
 - (b) publish in two successive weeks in one or more newspapers circulating in the locality in which that land is situated, in the London and Edinburgh Gazettes and, if any of the land is situated below the level of mean high water springs, in Lloyd's List,
a notice complying with this paragraph.
- (2) Except where the order relates only to land below the level of mean high water springs, the Secretary of State shall also before making the order affix to a conspicuous object or objects on the land a notice or notices complying with this paragraph.
- (3) Every notice under this paragraph shall—
 - (a) state that the Secretary of State is considering making the order;
 - (b) describe the land to which it relates; and
 - (c) state that representations in writing with respect to the proposed order may be made to the Secretary of State at a specified address and within a specified period, not ending earlier than 21 days from the date on which the notice is first published.
- 2 (1) If any representations with respect to the proposed order are duly made the Secretary of State shall consider those representations; but the Secretary of State shall not be obliged to cause any inquiry to be held or afford to any person an opportunity of being heard.
- (2) After considering any such representations, the Secretary of State may make the order either without modification or subject to such modifications as he thinks fit.
- (3) If the order is made, the Secretary of State shall—
 - (a) serve a notice to that effect together with a copy of the order on every owner, lessee and occupier of any of the land which is the subject of the order; and
 - (b) publish and affix notices to that effect in the manner required by paragraphs 1(1)(b) and (2) above;
- 4 If the Secretary of State decides not to make the order, he shall serve notices to that effect on the persons, and publish and affix such notices in the manner referred to respectively in paragraphs (a) and (b) of paragraph 3 above.
- 5 (1) Subject to the provisions of this paragraph, the Secretary of State may by statutory instrument revoke the order and, if he does so, he shall serve notices to that effect on the persons, and publish and affix such notices in the manner referred to respectively in paragraphs (a) and (b) of paragraph 3 above.

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- (2) No order shall be revoked after possession is taken of the land under Schedule 2 to this Act.
- 6 Section 5(3) of the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and paragraph 19 of Schedule 1 to that Act shall apply to the service of notices under this Schedule.

Marginal Citations

M1 1947 c. 42.

- 7 A certificate by the Secretary of State that all or any of the requirements of paragraphs 1 and 3 above have been complied with in respect of the order, and have been complied with before a specified date, shall be conclusive evidence of those facts in any legal proceedings whether brought before or after the completion of the compulsory acquisition of the land specified in the order.

SCHEDULE 2

Section 1.

EFFECT OF EXPEDITED ACQUISITION ORDERS

Application of compulsory purchase enactments

- 1 (1) As from the date on which the order comes into operation the compulsory purchase enactments shall have effect—
- (a) as if the Secretary of State had been authorised to acquire the land specified in the order by a compulsory purchase order coming into operation on that date; and
 - (b) as if the compulsory purchase of the land authorised by the order were a compulsory purchase to which the provisions of Schedule 1 to the ^{M2}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 apply; and references in the compulsory purchase enactments to a compulsory purchase order shall be construed accordingly.
- (2) In sub-paragraph (1) above “the compulsory purchase enactments” means the Lands Clauses Acts and section 6 and sections 70 to 78 of the ^{M3}Railways Clauses Consolidation (Scotland) Act 1845, the ^{M4}Land Compensation (Scotland) Act 1963, [^{F1}section 195 of the Town and Country Planning (Scotland) Act 1997 and Schedule 15] to that Act, and Parts III and IV of the ^{M5}Land Compensation (Scotland) Act 1973.
- (3) In their application by virtue of this paragraph, sections 34(3)(a) and 36(6)(a) of the said Act of 1973 (material date for entitlement to disturbance payment or rehousing in case of compulsory acquisition under compulsory purchase order) shall have effect as if the references to the time of first publication of the notices there mentioned were references to the time of first publication of the notice required by paragraph 1(1) (b) of Schedule 1 to this Act.
- (4) In their application to the purchase of land authorised by the order, sections 49 and 50 of the said Act of 1973 (notice to treat in respect of part of agricultural land)

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shall have effect as if the person mentioned in subsection (1) of section 49 included a person having an interest no greater than as tenant for a year or from year to year and as if subsection (3)(a) of that section were omitted.

- (5) Paragraph 6 of Schedule 2 to the said Act of 1947 (which provides for the incorporation of certain provisions relating to minerals) shall have effect in relation to the order as if it were a compulsory purchase order made in accordance with the provisions of Schedule 1 to that Act.

Textual Amendments

- F1** Words in [Sch. 2 para. 1\(2\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 24\(6\)\(a\)](#)
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Marginal Citations

- M2** [1947 c. 42.](#)
M3 [1845 c. 33.](#)
M4 [1963 c. 51.](#)
M5 [1973 c. 56.](#)

Power to take possession

- 2 (1) The Secretary of State shall be entitled to enter on and take possession of the land specified in the order at any time after the expiration of the period of 14 days beginning with the date on which the order comes into operation.
- (2) Sub-paragraph (1) above has effect notwithstanding sections 83 and 114 of the ^{M6}Lands Clauses Consolidation (Scotland) Act 1845 (compensation to be paid before entry) and paragraph 3 of Schedule 2 to the said Act of 1947 (notice before entry), but where the Secretary of State takes possession of land by virtue of this paragraph he shall be liable to pay the like compensation and the like interest on the compensation agreed or awarded, as he would have been required to pay if he had taken possession of the land under the said paragraph 3.
- (3) Where the Secretary of State is authorised under this paragraph to enter on and take possession of land, and the owner or occupier of any of that land, or any other person, refuses to give up possession of it, then a copy of the order shall be sufficient warrant for the ejection of the person refusing to give up or hindering possession; and in such a case section 89 of the said Act of 1845 (proceedings in case of refusal to deliver possession of lands) shall not apply.

Marginal Citations

- M6** [1845 c. 19.](#)

Duty to acquire the land if possession is taken

- 3 (1) As soon as may be after taking possession of any land under paragraph 2 above the Secretary of State shall either—
- (a) serve notices to treat in respect of that land in accordance with section 17 of the said Act of 1845, or

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- (b) execute a general vesting declaration in respect of that land under [F²Schedule 15 to the Town and Country Planning (Scotland) Act 1997].
- (2) Sub-paragraph (1)(a) above requires the service of a notice to treat on a person having an interest in the land no greater than as tenant for a year or from year to year as well as on persons having greater interests; and the power conferred by section 39 of the ^{M7}Land Compensation (Scotland) Act 1963 to withdraw a notice to treat shall not be exercisable in respect of any notice to treat served by the Secretary of State in respect of land specified in the order.
- (3) The power to execute a general vesting declaration in respect of the land specified in the order shall not be exercisable by the Secretary of State until he has taken possession of the land; but the foregoing provision shall not apply where the land was included in the order by virtue of section 15(2) of this Act.

Textual Amendments

F2 Words in Sch. 2 para. 3(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 24(6)(b)

Marginal Citations

M7 1963 c. 51.

- 4 (1) In their application to a general vesting declaration executed by the Secretary of State in respect of land specified in the order, the provisions of [F³ Schedule 15 to the Town and Country Planning (Scotland) Act 1997] shall have effect with the following modifications.
- (2) The following provisions of that Schedule shall be omitted—
- (a) in paragraph 1(1) the words following “specified in the declaration”;
 - (b) in paragraph 6 the words following “could have served such a notice”;
 - (c) in paragraph 7 the words “together with the right to enter upon and take possession of it”;
 - (d) in paragraph 18 the words following “paragraphs 6 to 8 above”;
 - (e) paragraphs 2, 3, 5, 8, 14, 21, 22(a), 24, 26, 29, 30 and 38;
- but the omission of paragraph 26 is without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.
- (3) In paragraph 4 of that Schedule for the words following “shall serve” there shall be substituted the words “on every owner, lessee and occupier of any land specified in the declaration a notice specifying the land, stating the effect of the declaration, referring to the rights of objection to severance exercisable in respect of the declaration and inviting claims for compensation.”
- (4) For any reference in Part II of that Schedule to paragraphs 6 to 8, there shall be substituted a reference to paragraphs 6 and 7.
- (5) For paragraph 20(2) of that Schedule there shall be substituted—
- “(2) A notice of objection to severance served by any person shall not have effect if it is served more than twenty-eight days after the date on which he first had knowledge of the execution of the general vesting declaration.”

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- (6) In paragraph 23 of that Schedule for the words “sub-paragraph (a)” there shall be substituted the words “sub-paragraph (b)”.

Textual Amendments

F3 Words in Sch. 2 para. 4(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 24(6)(c)

SCHEDULE 3

Section 3.

MAKING AND REVOCATION OF SEA DESIGNATION ORDERS

- 1 Before making a sea designation order the Secretary of State shall publish in two successive weeks in one or more local newspapers circulating in the localities near to the designated area and in such other newspapers as he thinks appropriate, in the London and Edinburgh Gazettes and in Lloyd’s List a notice—
- (a) stating that the Secretary of State is considering making the order;
 - (b) describing the parts of the sea to which it relates; and
 - (c) stating that representations in writing with respect to the proposed order may be made to the Secretary of State at a specified address and within a specified period, not ending earlier than 21 days from the date on which the notice is first published.
- 2 (1) If any representations with respect to the proposed order are duly made the Secretary of State shall consider those representations; but the Secretary of State shall not be obliged to cause any inquiry to be held or afford to any person an opportunity of being heard.
- (2) After considering any such representations, the Secretary of State may make the order either without modification or subject to such modifications as he thinks fit.
- 3 If the Secretary of State decides to make the order he shall publish a notice to that effect in the manner required by paragraph 1 above.
- 4 If the Secretary of State decides not to make the order he shall publish a notice to that effect in the manner required by paragraph 1 above.
- 5 (1) The Secretary of State may by statutory instrument revoke the order and, if he does so, he shall publish a notice to that effect in the manner required by paragraph 1 above.
- (2) The revocation of the order shall not affect any licence or regulation previously granted or made under section 4 or 6 of this Act in relation to the area to which the order relates.

Changes to legislation:

There are currently no known outstanding effects for the Offshore Petroleum Development (Scotland) Act 1975.