



# Offshore Petroleum Development (Scotland) Act 1975

## 1975 CHAPTER 8

### *Acquisition of land for purposes of offshore petroleum development*

#### **2 Extinction of rights affecting land. S**

- (1) [F<sup>1</sup>Section 194 of the Town and Country Planning (Scotland) Act 1997] (extinction of rights over land compulsorily acquired under [F<sup>1</sup>Part VIII] of that Act) shall apply—
- (a) upon the completion by the Secretary of State of a compulsory acquisition of land under this Act by means of a compulsory purchase order;
  - (b) upon his taking possession of land under this Act by means of an expedited acquisition order,

as that section applies upon the completion by an acquiring authority of a compulsory acquisition of land under [F<sup>1</sup>Part VIII] of that Act.

- (2) The provisions of [F<sup>1</sup>the Town and Country Planning (Scotland) Act 1997] mentioned in subsection (3) below shall apply in relation to—
- (a) any land of which possession has been taken under this Act and any other land, being Crown land, which is used or is intended to be used for any purpose referred to in section 1(1) of this Act; and
  - (b) any relevant operations on that land either by or on behalf of the Secretary of State or any other person,

as they apply in relation to the land, operations and works referred to respectively in those provisions; and accordingly, for the purposes of such application, references in [F<sup>1</sup>section 196 of the said Act of 1997] to a planning authority shall be construed as references to the Secretary of State.

- (3) The provisions referred to in subsection (2) above are—
- (a) [F<sup>1</sup>section 196 of the said Act of 1997] (power to override servitudes and other rights);
  - (b) [F<sup>1</sup>section 197] of that Act (provisions as to churches and burial grounds); and
  - (c) [F<sup>1</sup>section 198] of that Act (use and development of land for open spaces).

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*Changes to legislation: There are currently no known outstanding effects for the Offshore Petroleum Development (Scotland) Act 1975, Section 2. (See end of Document for details)*

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- (4) The Secretary of State may by order direct that [F1 sections 224 and 227 of the said Act of 1997] (extinction of rights of way, and rights as to apparatus, of statutory undertakers) and [F1sections 232(2) and 233] of that Act so far as applicable for the purposes [F1of sections 224 and 227], shall apply, with such modifications as appear to him to be necessary, in relation to any such land as is mentioned in subsection (2) (a) above, as they apply in relation to land referred to in [F1the said section 224] which has been acquired by a Minister.
- (5) The Secretary of State may by order extinguish any public rights of way or other public rights which in his opinion are hindering or would hinder any relevant operations carried on or proposed to be carried on, on any such land as is mentioned in subsection (2)(a) above, by or on behalf of the Secretary of State or any other person.
- (6) An order under subsection (5) above shall, if the Secretary of State is satisfied that it should do so, provide for the creation of an alternative right of way for use as a replacement for any right of way which is extinguished by the order.
- (7) In this section references to particular provisions of the said Act of 1972 shall be construed as including references to those provisions as applied in relation to the National Coal Board by regulations made under section 259 of that Act.

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**Textual Amendments**

- F1** Words in s. 2(1)(2)(3)(a)(b)(c)(4) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 24(2) (a)(b)(c)(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Offshore Petroleum Development (Scotland) Act 1975, Section 2.