

Changes to legislation: Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, Paragraph 11 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

FIRST SCHEDULE

PROCEDURE FOR AUTHORISING COMPULSORY PURCHASES

Modifications etc. (not altering text)

- C1 Sch. 1 applied by Offshore Petroleum Development (Scotland) Act 1975 (c. 8, SIF 86), s. 1, **Sch. 2 para. 1**
- C1 Sch. 1 extended by Offshore Petroleum Development (Scotland) Act 1975 (c. 8, SIF 86), s 1, **Sch. 2 para. 1(1)(b)**

PART III

SPECIAL PROVISIONS AS TO CERTAIN DESCRIPTIONS OF LAND

Modifications etc. (not altering text)

- C1 Part III applied with modifications by Opencast Coal Act 1958 (c. 69), **ss. 4, 39** Sch. 2 Pt. I (as amended (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 38** (with s. 40(7); S.I. 1994/2553, **art. 2**)
- C1 Sch. 1 Pt. III applied (31.10.1994) by 1958 c. 69, **s. 16(5)** (as substituted by 1994 c. 21, s. 52, **Sch. 8 para. 14(7)** (with s. 40(7); S.I. 1994/2553, **art. 2**)
Sch. 1 Pt. III applied (with modifications) (26.3.2001) by 2000 c. 26, s. 95, **Sch. 5 Pt. III paras. 16-21**; S.I. 2000/2957, **art. 2(3), Sch. 3**

- 11 (1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common or open space, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
- (a) 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 attach to the land purchased, or
 - (b) [^{F1}that the land does not exceed 250 square yards in extent or is] required for the widening of an existing [^{F2}public road (within the meaning of the Roads (Scotland) Act 1984)] and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.
- and certifies accordingly.
- (2) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall [^{F3}direct the acquiring authority to] give public notice of his intention so to do, and—
- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
 - (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

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he may, after considering representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

^{F4}[(3) Notice under sub-paragraph (2) of this paragraph shall be given in such form and manner as the Secretary of State may direct.]

Textual Amendments

- F1** Words substituted by [Town and Country Planning \(Scotland\) Act 1969 \(c. 30\), s. 32\(1\)](#)
- F2** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), Sch. 9 para. 35](#)
- F3** Words in Sch. 1 Pt. III para. 11(2) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\), s. 79\(a\), Sch. 17 Pt. I para. 3\(a\)](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)
- F4** Sch. 1 Pt. III para. 11(3) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\), s. 79\(a\), Sch. 17 Pt. I para. 3\(b\)](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)

Modifications etc. (not altering text)

- C1** Pt. III(paras. 8–14) applied with modifications by [Water Act 1980 \(c. 45, SIF 130\), Sch. 2 para. 5](#)
- C2** Pt. III(paras. 8–14) applied (with modifications) by [Gas Act 1986 \(c. 44, SIF 44:2\), s. 9\(3\), Sch. 3 Pt. III paras. 16–21, 23](#)
- C3** Pt. III para. 11 applied by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\), s. 111\(2\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [2021 asp 9 s. 68\(4\)](#)