



# Requisitioned Land and War Works Act 1945

1945 CHAPTER 43 8 and 9 Geo 6

## PART X

### MISCELLANEOUS AND GENERAL

#### 60 Application to Scotland

- (1) This Act shall apply to Scotland subject to the modifications set out in this Section.
- (2) For any reference to the Minister of Health, to the Minister of Agriculture and Fisheries, to the Minister of Town and Country Planning or to the Minister of Education there shall be substituted a reference to the Secretary of State; and for any reference to the High Court there shall be substituted a reference to the Court of Session.
- (3) . . . <sup>F1</sup>; [<sup>F2</sup>for references to the Town and Country Planning Act, 1944, there shall be substituted references to the <sup>M1</sup>Town and Country Planning (Scotland) Act, 1945;] for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette; [<sup>F3</sup>for any reference to a highway there shall be substituted a reference to a road within the meaning of the Roads (Scotland) Act 1984;] . . . <sup>F4</sup>; for any reference to a parish council there shall be substituted a reference to a district council; . . . <sup>F5</sup>
- (4) For references to the freehold of or to a leasehold interest in land there shall be respectively substituted references to [<sup>F6</sup>the dominium utile or, in the case of land other than feudal land,] the ownership of land, and to a lease of land; references to land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and to fuel or field garden allotments shall be omitted; any reference to an interest reversionary on a lease or tenancy shall be construed as a reference to the interest of the landlord in land subject to a lease; any reference to land includes a reference to salmon fishings; arbitrator means arbiter; and easement includes servitude and any right to lay down, continue or maintain any pipe, sewer, drain, wire or cable on, under or over any land.

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945, Section 60. (See end of Document for details)*

(5)—(8) . . . F7

(9) In section fifteen, subsection (2) shall have effect as if for paragraph (b) there were substituted the following paragraph—

“(b) For directing that any highway to be provided or improved, or any highway provided or improved before the making of the order, as a substitute for any highway stopped up under the order, shall be maintained and managed by a county or town council and for specifying which council, shall be responsible for such maintenance and management.”

(10) . . . . . F8

(11) For section thirty-seven the following section shall be substituted:—

“(1) If, in the opinion of the Minister, he will be unable, or unable without undue delay, to acquire any servitude or right by agreement, he may, at any time after fourteen days from the service of the notice to treat, execute and record in the appropriate register of sasines a deed conferring on himself, and, except so far as otherwise expressed, his successors in title, the servitude or right in question.

(2) A deed so executed and recorded shall be enforceable against any persons having any interest in the land affected by the servitude or right, and against any persons deriving title from them.

(3) A statement in a deed executed under this section that the requirements of subsection (3) of the last preceding section have been complied with shall be conclusive evidence that those requirements have been complied with.

(4) Where the Minister executes a deed under this section, he shall give notice of the effect thereof in such manner as is, in his opinion, best adapted for informing persons affected”.

(12) In subsection (1) of section fifty-nine, for the definition of local authority there shall be substituted the following definition—

“local authority means a county or town council”;

. . . . . F9

and in subsection (5) of that section the words from and any such covenant to the end of the subsection shall be omitted.

(13) . . . . . F7

Textual Amendments	
<b>F1</b>	Words repealed by <a href="#">Statute Law (Repeals) Act 1973 (c. 39)</a> , s. 1(1), <b>Sch. 1 Pt. IX</b>
<b>F2</b>	Words substituted by <a href="#">Town and Country Planning (Scotland) Act 1947 (c. 53)</a> , <b>Sch. 8</b>
<b>F3</b>	Words inserted (S.) by <a href="#">Roads (Scotland) Act 1984 (c. 54, SIF 108)</a> , s. 156(1), <b>Sch. 9 para. 33(3)</b>
<b>F4</b>	Words repealed by <a href="#">Statute Law (Repeals) Act 1973 (c. 39)</a> , s. 1(1), <b>Sch. 1 Pt. IX</b>
<b>F5</b>	Words repealed by <a href="#">Statute Law (Repeals) Act 1989 (c. 43)</a> , s. 1(1), <b>Sch. 1 Pt. VII</b>
<b>F6</b>	Words in s. 60(4) repealed (S.) (28.11.2004) by <a href="#">Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)</a> , ss. 71, 77(2), <b>Sch. 13 Pt. 1</b> (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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**Changes to legislation:** There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945, Section 60. (See end of Document for details)

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- F7** Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)
- F8** S. 60(10) repealed by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 6**
- F9** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. VII**

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**Marginal Citations**

- M1** 1945 c. 33.

**Changes to legislation:**

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