



Acquisition of Land (Authorisation Procedure) Act 1946

1946 CHAPTER 49

9 Provisions as to Scotland.

- (1) The subsequent provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For" any reference to the Minister of Health or to the Minister of Town and Country Planning there shall be substituted a reference to the Secretary of State ; for any reference to the High Court or the Court of Appeal there shall be substituted a reference to the Court of Session.
- (3) For references to the Town and Country Planning Act, 1944, to subsection (4) of section eighteen thereof, to section twenty-three thereof, to section fifty-three thereof, to paragraph 9 of the Fifth Schedule thereto, and to the Sixth Schedule thereto, there shall be respectively substituted references to the Town and Country Planning (Scotland) Act, 1945, to subsection (4) of section seventeen thereof, to section twenty-two thereof, to section fifty-one thereof, to paragraph 8 of the Fifth Schedule thereto, and to the Sixth Schedule thereto ; and for any reference to the Housing Act, 1936, there shall be substituted a reference to the Housing (Scotland) Acts, 1925 to 1935.
- (4) For the provisions of the Lands Clauses Consolidation Act, 1845, referred to there shall be substituted the corresponding provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, that is to say,—for section eighteen, section seventeen ; for section nineteen, section eighteen ; for sections eighty-four to ninety, sections eighty-three to eighty-eight; for section ninety-two, section ninety; for sections one hundred and twenty-seven to one hundred and thirty-two, sections one hundred and twenty to one hundred and twenty-five; for section one hundred and thirty-three, section one hundred and twenty-seven; for sections one hundred and fifty and one hundred and fifty-one, sections one hundred and forty-two and one hundred and forty-three.
- (5) For references to the Railways Clauses Consolidation Act, 1845, and to sections seventy-seven and seventy-eight to eighty-five thereof there shall be respectively substituted references to the Railways Clauses Consolidation (Scotland) Act, 1845, and to section seventy and sections seventy-one to seventy-eight thereof.

- (6) The expression " appropriate Minister " means in relation to the undertaking of the North of Scotland Hydro-Electric Board, the Secretary of State ; the expression " local authority " means any county council, town council or district council or any other authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891, and includes any joint board or joint committee, of which all the constituent authorities are such local authorities as aforesaid ; the expression " owner " in relation to any land includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years ; the expression " land " includes in relation to compulsory purchase under the Harbours Piers and Ferries (Scotland) Act, 1937, a marine work within the meaning of that Act ; for any reference to the National Trust there shall be substituted a reference to the National Trust for Scotland ; for any reference to an arbitrator there shall be substituted a reference to an arbiter ; and references to land subject to be enclosed under the Inclosure Acts, 1845 to 1882, or to fuel or field garden allotments shall be omitted.
- (7) Section one of this Act shall have effect as if—
- (i) after paragraph (b) of subsection (1) there were inserted the following paragraph—
 - “(c) by the Secretary of State under section three of the Highlands and Islands (Medical Service) Grant Act, 1913”;
 - (ii) for the Acts mentioned in subsection (4) there were substituted the following Acts :—
 - (a) the Burial Grounds (Scotland) Act, 1855 ;
 - (b) the Allotments (Scotland) Acts, 1892 to 1922 ;
 - (c) the Light Railways Acts, 1896 and 1912 ;
 - (d) Part I of the Housing (Scotland) Act, 1930 ;
 - (e) Part I of the Housing (Scotland) Act, 1935 ;
 - (f) the Town and Country Planning (Scotland) Act, 1945.
- (8) Subsection (2) of section three of this Act shall have effect as if for the words " (that is to say, the council specified in subsection (1) of section two of the Town and Country Planning Act, 1932) " there were substituted the words " within the meaning of the Town and Country Planning (Scotland) Act, 1945 ".
- (9) Subsection (2) of section five of this Act shall not apply and the provisions of the Fifth Schedule to this Act shall have effect with regard to a public local inquiry held in pursuance of this Act.
- (10) Section eight of this Act shall have effect as if for the definitions of " held inalienably " and " National Trust," there were substituted the following definitions—
- “" held inalienably, " in relation to land belonging to the National Trust for Scotland, means that the land is inalienable under section twenty-two of the Order confirmed by the National Trust for Scotland Order Confirmation Act, 1935 ;
 - " National Trust for Scotland " means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the said Order.”
- (11) Any provision contained in the Schedules to this Act requiring notice to be served on the owners lessees or occupiers of any land shall be deemed to be complied with if notice is served on all the persons appearing from the valuation roll or otherwise known to the acquiring authority to have an interest in the land and any reference in

the said Schedules to owners, lessees and occupiers shall be construed accordingly. Service of a notice on a person so appearing to have an interest may be effected by sending the notice in a registered letter addressed to him at his address as entered in the valuation roll.

- (12) Paragraph 3 of the First Schedule to this Act shall have effect as if the words in head (b) of sub-paragraph 1 from "except in so far," to "particular case," and head (c) of that sub-paragraph and sub-paragraphs (2) and (3) were omitted.
- (13) Paragraph 11 of the First Schedule to this Act shall have effect as if—
- (i) the Minister having jurisdiction to give a certificate under sub-paragraph (1) were in all cases the Secretary of State ;
 - (ii) in sub-paragraph (1) after the words 'not being less in area' there were inserted the words '(unless the person in whom the land was vested otherwise agrees)'; and
 - (iii) sub-paragraph (3) were omitted.
- (14) Any inquiry in relation to a compulsory purchase order which, by virtue of Part III of the First Schedule to this Act, becomes, in certain events, subject to special parliamentary procedure shall, if the confirming authority so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction has been so given—
- (i) it shall be deemed to have been given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945 ;
 - (ii) if publication of notice in accordance with the provisions of head (a) of sub-paragraph (1) of paragraph 3 of the First Schedule to this Act has been made the provisions of subsection (1) of the aforesaid section two with regard to advertisement of notice shall be deemed to have been complied with ; and
 - (iii) nothing in section five of this Act as read with subsection (9) of this section shall apply to such inquiry.
- (15) Paragraph 17 of the First Schedule to this Act shall have effect as if after the words "Act of Parliament" there were inserted the words "under subsection (4) of section two as read with section ten or".
- (16) The Second Schedule to this Act shall have effect as if—
- (i) in paragraph 1 thereof after the words "Lands Clauses Acts" there were inserted the words "and section six of the Railways Clauses Consolidation (Scotland) Act, 1845"; and
 - (ii) sub-paragraph (2) of paragraph 3 and paragraph 5 were omitted.
- (17) The Third Schedule shall have effect as if sub-paragraphs (2) (b), (2) (c) and (3) of paragraph 2 were omitted.