SCOTTISH STATUTORY INSTRUMENTS

2003 No. 446

ACQUISITION OF LAND

The Compulsory Purchase of Land (Scotland) Regulations 2003

Made - - - -	*22nd September 2003*
Laid before the Scottish Parliament - - - -	*23rd September 2003*
Coming into force - -	*1st November 2003*

The Scottish Ministers, in exercise of the powers conferred by paragraphs 2, 3, 6, 13 and 18 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(**1**) and by section 275 of and paragraphs 1, 2 and 4 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997(**2**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Compulsory Purchase of Land (Scotland) Regulations 2003 and shall come into force on 1st November 2003.

Interpretation

2.—(1) In these Regulations–

"the Acquisition Act" means the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

"acquiring authority" has the meaning assigned to it by section 195(2) of the Planning Act;

"benefited proprietor" means an owner of land on whom a notice is to be served in accordance with paragraph 3(b)(iii) of the First Schedule to the Acquisition Act(**3**);

"holder of a personal real burden" means a person on whom a notice is to be served in accordance with paragraph 3(b)(ii) of the First Schedule to the Acquisition Act(**4**);

(**1**) 1947 c. 42; see paragraph 18 for the definition of "prescribed". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) 1997 c. 8; see section 277(1) for the definition of "prescribed". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**3**) Paragraph 3(b) was amended by section 109(2) of the Title Conditions (Scotland) Act 2003 (asp 9).
(**4**) Paragraph 3(b) was amended by section 109(2) of the Title Conditions (Scotland) Act 2003 (asp 9).

"owners' association" means an owners' association under a development management scheme (as defined in section 71(3) of the Title Conditions (Scotland) Act 2003(**5**)) on which a notice is to be served in accordance with sub-paragraph 3(b)(iv) of the First Schedule to the Acquisition Act(**6**);

"the Planning Act" means the Town and Country Planning (Scotland) Act 1997.

(2) In these Regulations, any reference to a numbered form is a reference to the form bearing that number in the Schedule to these Regulations.

Forms in connection with Compulsory Purchase Orders

3. The following forms, or forms substantially to the like effect, shall be used for the purposes of the First Schedule to the Acquisition Act (which sets out the procedure for authorising compulsory purchases):–

(a) Form 1 (form of compulsory purchase order), for the purposes of paragraph 2 of the First Schedule;

(b) Form 2 (form of advertisement and affixed notice of the making of a compulsory purchase order), for the purposes of–

(i) paragraph 3(a) of the First Schedule; and

(ii) paragraph 3(b) of the First Schedule where notice is served on a benefited proprietor or a holder of a personal real burden by means of advertisement under paragraph 3A(b) or affixed notice under paragraph 3A(c) of that Schedule(**7**);

(c) Form 3 (form of individual notice of the making of a compulsory purchase order), subject to the provisions of regulation 4 of these Regulations, for the purposes of paragraph 3(b) of the First Schedule–

(i) where notice is served on an owner, lessee, occupier or an owners' association; or

(ii) where notice is served on a benefited proprietor or a holder of a personal real burden by sending under paragraph 3A(a) of that Schedule or by other means under paragraph 3A(d) of that Schedule;

(d) Form 4 (form of advertisement and notice of confirmation of a compulsory purchase order), for the purposes of paragraph 6 of the First Schedule; and

(e) Form 5 (form of newspaper notice of the giving of a certificate under Part III of the First Schedule), for the purposes of paragraph 13 of the First Schedule.

Additional provisions with respect to listed buildings

4. Where a compulsory purchase order is made under section 42 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(**8**) (which empowers the compulsory acquisition of listed buildings in need of repair) there shall be included in Form 3 the additional paragraphs set out after the notes on that form, as follows:–

(a) the additional paragraph numbered 1 shall be included in every case;

(b) the additional paragraph numbered 2 shall be included in any case where the notice is required by section 45(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (which provides for minimum compensation in the case of a building deliberately left derelict) to include a statement that the authority has made a direction for minimum compensation; and

(**5**) 2003 asp 9.
(**6**) Paragraph 3(b) was amended by section 109(2) of the Title Conditions (Scotland) Act 2003 (asp 9).
(**7**) Paragraph 3A was inserted into the First Schedule by sections 109(3) of the Title Conditions (Scotland) Act 2003 (asp 9).
(**8**) 1997 c. 9.

(c) the additional paragraph numbered 3 shall be included in every case.

Forms in connection with General Vesting Declarations

5. The following forms, or forms substantially to the like effect, shall be used for the purposes of Schedule 15 to the Planning Act (general vesting declarations):–

(a) Form 6 (form of general vesting declaration), for the purposes of paragraph 1 of Schedule 15;

(b) Form 7 (form of statement to be published in newspapers by inclusion in Form 4 when a general vesting declaration is to be made), for the purposes of paragraph 2(1)(a) of Schedule 15;

(c) Form 8 (form of statement to be included in Form 4 when a general vesting declaration is to be made), for the purposes of paragraph 2(1)(a) of Schedule 15;

(d) Form 9 (form for the giving of information to an acquiring authority), for the purposes of paragraph 2(1)(b) of Schedule 15; and

(e) Form 10 (form of notice specifying the land comprised in, and stating the effect of, a general vesting declaration), for the purposes of paragraph 4 of Schedule 15.

Revocation

6. The Compulsory Purchase of Land (Scotland) Regulations 1976(**9**) are hereby revoked.

St. Andrew's House,Edinburgh
22nd September 2003

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

(**9**) S.I. 1976/820.

SCHEDULE Regulation 2(2)

List of Forms

Form	*Purpose*	*Reference to Act*
ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947		
1.	Form of compulsory purchase order.	First Schedule, paragraph 2.
2.	Form of advertisement and affixed notice of the making of a compulsory purchase order.	First Schedule, paragraph 3(a) and (b)(ii) and (iii).
3.	Form of individual notice to owners, lessees, occupiers, holders of personal real burdens, benefited proprietors and owners' association of the making of a compulsory purchase order.	First Schedule, paragraph 3(b).
4.	Form of advertisement and notice of confirmation of a compulsory purchase order.	First Schedule, paragraph 6.
5.	Form of newspaper notice of the giving of a certificate under Part III of the First Schedule.	First Schedule, paragraph 13.
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997		
6.	Form of general vesting declaration.	Schedule 15, paragraph 1.
7.	Form of statement of the effect of paragraphs 1 to 8 of Schedule 15 to the Planning Act for the purposes of paragraph 2(1)(a) of that Schedule to be published in newspapers by inclusion in Form 4 when a general vesting declaration is to be made.	Schedule 15, paragraph 2(1)(a).
8.	Form of statement of the effect of paragraphs 1 to 8 of Schedule 15 to the Planning Act for the purposes of paragraph 2(1)(a) of that Schedule to be included in Form 4 when a general vesting declaration is to be made.	Schedule 15, paragraph 2(1)(a).

Form	*Purpose*	*Reference to Act*
9.	Form for the giving of information to an acquiring authority in response to an invitation required to be notified under paragraph 2(1)(b) of Schedule 15 to the Planning Act.	Schedule 15, paragraph 2(1)(b).
10.	Form of notice specifying the land comprised in, and stating the effect of, a general vesting declaration.	Schedule 15, paragraph 4.

FORM 1*Form of Compulsory Purchase Order*