

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 5

COMPULSORY PURCHASE

PART I

PROCEDURE FOR MAKING COMPULSORY PURCHASE ORDERS

1 A compulsory purchase order shall describe by reference to a map the land to which it applies.

- 2 (1) Before making a compulsory purchase order, the Minister ^{F1}... shall—
- (a) publish in one or more newspapers circulating in the locality in which the land to which the order relates is situated a notice stating that a compulsory purchase order is proposed to be made; and
 - (b) serve a copy of the notice in such manner as he thinks fit on [^{F2}every person who is an owner, lessee, tenant (whatever the tenancy period) or occupier] of any land to which the order relates.

^{F3}(1A)

^{F3}(1B)

^{F3}(1C)

(2) Section 30 of this Act applies to the service of a notice under sub-paragraph (1)(b) above as it applies to the service of documents under Part II of this Act.

- (3) A notice under sub-paragraph (1) above shall—
- (a) describe the land,
 - (b) name the place where a copy of a draft of the compulsory purchase order and of the map referred to therein may be seen at all reasonable hours, and
 - (c) specify the time (not less than twenty-eight days from the date of the publication of the notice) within which, and the manner in which, objections to the order may be made.

Textual Amendments

F1 Words in Sch. 5 para. 2(1) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 46(a)(i)**; S.S.I. 2019/47, reg. 2

F2 Words in Sch. 5 para. 2(1)(b) substituted (E.W.) (24.5.2007) by Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 7** (with art. 1(3))

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F3 Sch. 5 para. 2(1A)-(1C) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(a)(ii)**; S.S.I. 2019/47, reg. 2

- 3
- (1) If no objection is duly made by any of the persons on whom notices are required to be served, or by any other person appearing to the Minister ^{F4}... to be affected, or if all objections so made are withdrawn, the Minister may, if he thinks fit ^{F5}... (but subject to sub-paragraph (3) below), make the order, either with or without modifications.
- (2) [^{F6}Subject to paragraph 6B below,] in any other case the Minister ^{F7}... shall, before making the order, cause a local inquiry to be held and shall consider any objections not withdrawn and the report of the person who held the inquiry, and may then, if he thinks fit (but subject to sub-paragraph (3) below), make the order, either with or without modifications.
- (3) An order made by the Minister ^{F8}... with modifications shall not, unless all persons interested consent, authorise him to purchase compulsorily any land which the order would not have authorised him so to purchase if it had been made without modifications.

Textual Amendments

- F4** Words in Sch. 5 para. 3(1) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(b)(i)**; S.S.I. 2019/47, reg. 2
- F5** Words in Sch. 5 para. 3(1) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(b)(ii)**; S.S.I. 2019/47, reg. 2
- F6** Words in Sch. 5 para. 3(2) inserted (S.) (1.11.2003) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), **ss. 110(3)**, 129(4) (with **ss. 119**, 121); S.S.I. 2003/454, art. 2(1)
- F7** Words in Sch. 5 para. 3(2) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(b)(iii)**; S.S.I. 2019/47, reg. 2
- F8** Words in Sch. 5 para. 3(3) omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(b)(iv)**; S.S.I. 2019/47, reg. 2

- 4 Subject to [^{F9}paragraph 5] below, where objection to a compulsory purchase order is duly made by a person mentioned in paragraph 3(1) above and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure and the ^{M1M2}Statutory Orders (Special Procedure) Acts 1945 and 1965 shall have effect accordingly.

Textual Amendments

- F9** Words in Sch. 5 para. 4 substituted (1.4.2019) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(c)**; S.S.I. 2019/47, reg. 2

Modifications etc. (not altering text)

- C1** Para. 4 excluded (E.W.) by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), **s. 6(3)**

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Marginal Citations

- M1** 1945 c. 18 (9 & 10 Geo. 6)(89)
- M2** 1965 c. 43(89)

5 If an objection appears to the Minister ^{F10}... to relate exclusively to matters which can be dealt with by the tribunal by whom the compensation for the compulsory purchase would be assessed, the Minister ^{F10}... may disregard the objection for the purposes of paragraph 3 above, and may (whether he disregards it for those purposes or not) direct that it shall be disregarded for the purposes of paragraph 4 above.

Textual Amendments

- F10** Words in Sch. 5 para. 5 omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(d)**; S.S.I. 2019/47, reg. 2

^{F11}6

Textual Amendments

- F11** Sch. 5 paras. 6-6D omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(e)**; S.S.I. 2019/47, reg. 2

^{F11}6A

Textual Amendments

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^{F11}6B

Textual Amendments

- F11** Sch. 5 paras. 6-6D omitted (1.4.2019) by virtue of [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential Provisions and Modifications\) Order 2019 \(S.I. 2019/734\)](#), reg. 1(2), **Sch. para. 46(e)**; S.S.I. 2019/47, reg. 2

^{F11}6C

Textual Amendments

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