

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION  
NOT FOR PUBLICATION OR BROADCAST  
BEFORE 0001 HOURS 17 DECEMBER 2014

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### SCOTTISH LAW COMMISSION PUBLISHES DISCUSSION PAPER ON COMPULSORY PURCHASE LAW

The Scottish Law Commission today 17 December publishes its Discussion Paper on Compulsory Purchase in Scotland.

The law on compulsory purchase recognises that there will be circumstances where the public interest in a particular project will be more important than the individual's right to undisturbed ownership of his or her private property.

The essential problem is that the law on compulsory purchase is largely set out in legislation passed between the middle of the nineteenth century and the middle of the twentieth century. It is accordingly largely out of date. This Discussion Paper sets out the current law on the matter, and asks questions about how it could be improved. It also deals with the question of compensation, with a view to ensuring that the owner of property receives proper recompense for his or her loss.

The Paper suggests that there should be a new statute setting out the law so that everyone involved – public authorities, practitioners and landowners – can see clearly how the system works.

Patrick Layden QC, the lead Commissioner on the project, said:

“We can't do without a system of compulsory purchase. But if we are going to have one, it should work properly, so that everyone affected knows where they stand. The law in Scotland is out of date and gives rise to considerable difficulties in practice. Once we have the views of the public and practitioners, the Law Commission will put together a Report and draft legislation for consideration by Scottish Ministers.”

## NOTES TO EDITORS

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Hon Lord Pentland, a Court of Session judge. The other Commissioners are Laura J Dunlop QC, Patrick Layden QC TD, Professor Hector L MacQueen, and Dr Andrew J M Steven. The Chief Executive is Malcolm McMillan.

2. Further information can be obtained by contacting Lucy Galloway, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, email: [info@scotlawcom.gsi.gov.uk](mailto:info@scotlawcom.gsi.gov.uk)).

3. The paper may also be viewed on our website at <http://www.scotlawcom.gov.uk/> or purchased from TSO (<http://www.tsoshop.co.uk/>).