

# Compulsory Purchase Reform in Scotland

## Scottish Government Consultation

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only England, Northern Ireland and Wales.

### 1. Executive Summary

The Scottish Government is undertaking a consultation on the comprehensive reform of Compulsory Purchase in Scotland. The purpose of this reform is to establish a **simpler**, more **streamlined** and **fairer** system that enables the delivery of projects in the public interest while safeguarding individual rights and ensuring compensation. The proposed reforms seek to modernise procedures and compensation arrangements, which are currently dispersed across legislation dating back to the nineteenth century. The reform will also encourage proactive, partnership-based use of compulsory purchase powers by local authorities and other acquiring bodies.

Key points for local authorities:

- The reforms aim to accelerate regeneration, housing delivery (including bringing empty homes back into use), infrastructure development, and the transition to net zero.
- They introduce clearer pre-compulsory purchase powers, digital processes, and flexible new mechanisms such as the creation of rights in land and temporary possession powers.

Responses to this consultation will inform the final reform package (to be analysed during winter 2025-26). Any legislative changes requiring primary legislation will be brought forward after the next Scottish Parliament elections.

**Responses are due by Friday 19 December 2025.** [Click here](#) to read to the full report and [click here](#) to submit your response.

## 2. Overview

### Purpose and Context

Compulsory purchase is an important mechanism that allows public authorities to acquire land in the public interest, for purposes such as infrastructure, regeneration, and addressing vacant or derelict land. However, the current legal framework is complex and fragmented which discourages its use and can make the process costly and difficult for both acquiring authorities and affected individuals to navigate.

The Scottish Government's reform proposals aim to ensure the process is consistent with modern expectations of transparency, fairness, proportionality, and compliance with European Convention on Human Rights (ECHR) protections.

The proposals also align with key national strategies and policy objectives, including National Planning Framework 4, the National Transport Strategy, the Infrastructure Investment Plan, and actions to address the housing emergency.

### Structure of the Consultation

The consultation is organised around five thematic building blocks, which together reflect the lifecycle of a compulsory purchase order (CPO):

1. **Enabling Powers** – Who can acquire land and for what purposes.
2. **Early Engagement and Preliminary Steps** – How acquiring authorities interact with affected parties before a CPO is made.
3. **Confirmation Procedures** – How CPOs are considered and determined.
4. **Implementation** – How confirmed CPOs are enacted and land is transferred.
5. **Compensation** – How affected parties are compensated fairly and consistently.

### Enabling Powers

#### Scope and Intent

The Scottish Government proposes to create a single **Compulsory Purchase Act**, consolidating procedures and compensation provisions. Existing enabling powers would remain within sector-specific legislation (for example, planning, housing, or roads statutes) but would be updated for consistency.

## **Local Authority Powers**

Local authorities already possess wide-ranging compulsory purchase powers across multiple statutory functions, including housing, regeneration, planning, education, and transport. The consultation invites views on whether these powers require clarification or modernisation.

## **Proposed Flexibilities**

New flexibilities include:

- A **general power to create new rights in land**, such as servitudes with attached conditions, allowing for proportionate intervention without full acquisition.
- A **general power to take temporary possession of land**, subject to safeguards on notice periods, duration, reinstatement, compensation, and dispute resolution.

## **Early Engagement and Preliminary Steps**

### **Purpose**

This stage aims to promote early and effective dialogue between acquiring authorities and affected parties, helping to build trust and reduce disputes.

### **Key Proposals**

- **Early engagement:** Encouragement of non-statutory engagement to avoid conflict and improve transparency.
- **Land referencing:** Introduction of a general statutory power to require information about land ownership and occupation to support accurate notification.
- **Access for surveys:** Replacement of outdated powers in the 1845 Act with a universal right of entry for surveys, **subject to a minimum 14-day notice period**, compensation for damage, and safeguards for utilities.

## **Confirmation Procedures**

### **Making a CPO**

- Retain existing statutory documents (**The Order, Schedule, Map**) supported by non-statutory materials such as the Statement of Reasons, General Certificate, and Protected Assets and Special Category Land Certificate.
- Allow notification and publication requirements to be set through secondary legislation for greater flexibility.

- **Enable digitisation of notices and documents**, including an optional electronic service when a party agrees to such in writing and provides an email address for this purpose.
- **Review newspaper notice requirements** and consider alternative digital methods.

### **Decision Process**

- The right of statutory objectors to be heard would be maintained, with the option of written representations as an alternative, subject to mutual agreement.
- Inquiry and hearing procedures would be standardised through secondary legislation.
- The Scottish Ministers would remain the confirming authority for all CPOs, but with cases involving objections they can delegate them to Reporters in the **Planning and Environmental Appeals Division (DPEA)**.

## **Implementation**

### **Procedural Reforms**

- Introduction of a **six-week statutory time limit** for publishing confirmation notices stating from the date when people with an interest in the land have been notified that it has been made.
- A court challenge can significantly reduce the actual time available for the acquiring authority to implement the CPO. To provide additional flexibility, it is proposed that the **time limit should be suspended** pending the conclusion of any court action.

## **Compensation**

### **Principles**

The principle of **equivalence** remains central — those whose land is acquired should be left financially no better and no worse off than before.

### **Proposed Improvements**

The consultation proposes reforms to improve fairness and consistency, including:

- Clearer statutory definitions of disturbance and loss payments: extending Lands Tribunal for Scotland's (LTS) jurisdiction to discretionary disturbance payments/ Standardise Home Loss Payments (HLP)/ reform Farm Loss Payments (FLP) by dropping 3-year re-farming test;
- A requirement for acquiring authorities to inform affected parties of their compensation rights;
- Codify the no-scheme principle in statute;
- Repeal & rewrite planning assumptions to fit the fourth National Planning Framework (NPF4);
- Streamline Certificates of Appropriate Alternative Development (CAAD).

## Key Guidance

The Scottish Government has issued several guidance documents to support acquiring authorities and affected parties:

- [Circular 6/2011 – Compulsory Purchase](#)  
The main policy circular outlining how CPO powers should be exercised and confirmed.
- [Scottish Government Guidance Notes \(2018\), Nos. 1–5](#)  
Practical guidance for acquiring authorities covering: when to use CPOs, how to prepare and submit them, confirmation procedures, and post-confirmation steps.
- [Compulsory Purchase in Scotland: A Guide for Property Owners and Occupiers](#)  
A plain-language guide for affected individuals explaining the process, rights, and compensation entitlements.

## 3. Consultation Questions

Please note this briefing provides only an overview of the questions. Organisations are strongly encouraged to read the full consultation document before providing responses, detailed context and supporting analysis are all set out there.

This Consultation seeks stakeholder views across 17 sections, the ones of most relevance to local authorities have been highlighted below:

- Chapter 2 – Overview: How compulsory purchase works (2Q)
- **Chapter 3 – Enabling powers (6Q)**

- **Chapter 4 – Early engagement and preliminary steps (5Q)**
- **Chapter 5 – making a CPO (11Q)**
- Chapter 6 – deciding a CPO – considering objections (7Q)
- Chapter 6 – deciding a CPO – decisions (10Q)
- Chapter 6 – deciding a CPO – scope, timing and challenges (10Q)
- **Chapter 7 – implementation – procedure & timing (10Q)**
- Chapter 7 – implementation – Effect on title (5Q)
- Chapter 8 – compensation – Market value (10Q)
- Chapter 8 – compensation – injurious affection & disturbance (11Q)
- Chapter 8 – Compensation – Loss payments (7Q)
- **Chapter 9 – compensation procedures (13Q)**
- **Chapter 10 – compulsory Sale and Lease Orders (12Q)**
- Chapter 11 – Assessment of impacts (5Q)
- About you (Required) (9Q)
- Evaluation (2Q)

### **Chapter 3 – Enabling powers**

3. With the exception of SOSE and Network Rail, are there any gaps in acquiring authorities' enabling powers?

4. Are local authorities' compulsory purchase powers sufficiently broad to cover the circumstances in which they may need to compulsorily acquire land in carrying out their statutory functions?

5. Should there be a general power for acquiring authorities to create new rights in land and to attach conditions to such rights?

6. Should there be a general power for acquiring authorities to seek temporary possession of land?

7. Do you agree with the proposed list of matters that should be addressed in any new temporary possession power?

8. How might the use of back-to-back CPOs be further encouraged?

#### **Chapter 4 – Early Engagement and preliminary steps**

9. Do you agree that early and effective engagement is best promoted through non-statutory measures (e.g. guidance) rather than legislative requirements?
10. How might early and effective engagement between acquiring authorities and affected parties be further encouraged?
11. Would it be helpful to introduce a general power for acquiring authorities to require specified parties to provide information about ownership, occupation and other interests in land?
12. Do you agree that acquiring authorities should have a general power of entry prior to the making of a CPO for the purposes of surveying etc?
13. Does the outline proposal for a general power of entry strike a reasonable balance between the needs of acquiring authorities and rights of the owner/occupier?

#### **Chapter 5 – Making a CPO**

14. Are any changes required to the legislation which prescribes the form and content of CPOs?
15. Should any or all of the following documents be placed on a statutory footing?
  - Statement of Reasons
  - General Certificate
  - Protected Assets and Special Category Land Certificate
16. Do you agree that the notification requirements for CPOs should be prescribed through secondary rather than primary legislation?
17. Should heritable creditors be added to the list of parties who must be individually notified of a CPO?
- 17A. Should heritable creditors have the status of statutory objectors?
18. Are any other changes required to the list of people to be individually notified?
19. Do you agree that the CPO (and map) should be published on a suitable website, in addition to being made available for inspection at a specified physical location?
20. Should newspaper notices continue to be used to publicise the making of CPOs
21. What alternative approaches might be appropriate for publicising CPOs- either in addition to or instead of newspaper notices?

22. Should Scottish Ministers have a power to prescribe (through secondary legislation) common data standards for compulsory purchase documentation?

23. Should acquiring authorities be able to serve compulsory purchase notices by electronic means, if a party agrees to this in writing and provides an address for this purpose?

## **Chapter 7 – implementation – Procedure & timing**

GVD= General Vesting Declaration

CPVD= Compulsory Purchase Vesting Declaration

LTS= Lands Tribunal for Scotland

50. Do you agree that there should be a single procedure for implementing compulsory purchase, similar to GVD?

51. Should there be a single test for objection to severance, or a different categorisation?

52. Under the new CPVD, should a notice of objection to severance prevent the land included in the CPO from vesting in the acquiring authority?

53. Should confirmation notices be required to be published within 6 weeks of the date on which the order is confirmed?

54. Do you agree that the standard implementation period should remain at three years?

55. Should confirming authorities be able to specify a longer or shorter implementation period?

56. Do you agree that the time limit should be suspended during any court challenge to the validity of the CPO?

57. Please add any comments on the time limit for implementation.

58. Do you agree that the new CPVD should take effect six weeks after notification that it has been made?

59. Is there a need for a separate stage to notify people with an interest in the land and seek information from them?

## **Chapter 9 – Compensation Procedures**

93. Should acquiring authorities be required to advise owners of their rights to compensation and how to claim it?

94. Should a statutory claim form be provided to collect more information about the amount of compensation sought?
95. Should acquiring authorities be required to provide information on their assumptions relating to compensation, if this is requested by a claimant?
96. Should acquiring authorities be required to offer compensation, rather than requiring owners to claim it?
97. Please provide any comments about the procedure for claiming compensation.
98. Do you agree that an application to the LTS should be able to be made from the date of vesting?
99. Should there be a final time limit for making a claim for compensation?
100. Are any other changes needed in relation to the timing of compensation claims?
101. Are any new powers needed to enable acquiring authorities to make discretionary advance payments, if one is sought before they take possession?
102. Would it be helpful to enable advance payments to be made to heritable creditors, with the landowner's agreement?
103. What mechanism do you think would help to ensure advance payments are made promptly?
104. Should acquiring authorities have the power to offer advance payments even where one is not requested?
105. What should be the basis for the interest rate payable on outstanding compensation?

## **Chapter 10 – Compulsory Sale and Lease Orders**

106. Should local authorities be able to instruct the sale of a property without permission from the property owner?
107. In what circumstances might compulsory sale be justified, and what benefits or drawbacks might there be?
108. If a CSO process was introduced, would the procedures involved in preparing a CSO need to be equivalent to those that apply to a CPO?
109. What governance or regulatory frameworks would need to be introduced to ensure that any future CSO process is used fairly and effectively?
110. What measures could be taken to control the use of the property by the new owner?
111. How long should a property subject to a CSO remain on the market?

112. What should happen if the property does not sell?

113. Should local authorities be able to instruct the lease of a property without permission from the property owner?

114. In what circumstances might compulsory lease be justified, and what benefits or drawbacks might there be?

115. If a CLO process was introduced, would the procedures involved in preparing a CLO need to be more onerous than those that apply to a CPO?

116. If you think there are any other measures or issues that we need to be aware of as part of our consideration of CLOs, please tell us more about these.

117. Do you think that the introduction of either Compulsory Sale Orders or Compulsory Lease Orders in Scotland would add any benefits beyond a reformed CPO process, as a tool for tackling long-term vacant or derelict properties?

#### **4. APSE Comment**

The Association for Public Service Excellence (APSE) encourages its Scottish member authorities to respond to the current consultation. As outlined earlier in this briefing, the proposed reforms aim to create a simpler, more streamlined, and fairer compulsory purchase system. The reforms seek to accelerate progress in areas such as bringing long-term empty properties back into use, which is a key Scottish Government policy and helping to revitalise green spaces, town centres and derelict sites to benefit the people of Scotland. In support of Scotland's target to reach Net Zero by 2045, the proposed changes may also help local authorities and other acquiring bodies to deliver important projects, such as flood defences or solar farms for renewable energy generation. While the consultation acknowledges that local authorities already possess a wide range of compulsory purchase powers, it also invites views on whether these existing powers require clarification or modernisation.

Local authorities across Scotland have already exercised CPOs to advance key policy objectives. For example, Renfrewshire Council used CPOs to acquire 31 privately owned flats within low-demand tenement blocks in Johnstone. This enabled the demolition of 288 properties in total and the subsequent redevelopment of the area with new, high-quality, affordable housing. Similarly, Perth and Kinross Council utilised CPO powers to enhance the public realm and pedestrian environment of Mill Street as part of the Perth City Plan. This project improved previously uninviting pedestrian links, unlocked land for development, and created an environment designed to act as a catalyst for further regeneration and private sector investment.

We would also encourage our members to continue discussions on this consultation and the areas within by participating in our Scottish Housing, Construction and Building Maintenance Network which is free to attend for APSE members. Information on these Networks can be found by [clicking here](#). APSE also runs national Networks that meet to facilitate discussions between our members across the United Kingdom, more information on attending this can be found by [clicking here](#).

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Networks are a free service included as part of your authority's membership of APSE and all end with an informal lunch to facilitate networking with peers in other councils. If you do not currently receive details about APSE network meetings and would like to be added to our list of our contacts for your service area please email [enquiries@apse.org.uk](mailto:enquiries@apse.org.uk)

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- Parks, Horticulture and Ground Maintenance
- Recovery and Renewal
- Renewables and Climate Change
- Roads, highways and street lighting
- Sports and Leisure Management
- Vehicle Maintenance and Transport
- Waste Management, Refuse Collection and Street Cleansing
- Armed Forces and Veterans Network

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