



Waverley Railway (Scotland) Act 2006

2006 asp 13

PART 2

LAND

Supplementary

- 26 Parliamentary plans and book of reference: adjustments agreed with landowners and correction of errors**
- (1) Where—
- (a) the authorised undertaker has entered into a binding obligation (“the obligation”) not to acquire any land within the limits of deviation or the limits of land to be acquired or used; and
 - (b) either the authorised undertaker or the owner desires to reflect that commitment by way of either amendment of, or addendum to, either or both the Parliamentary plans and the book of reference,
- the authorised undertaker or the owner of the land may (after giving the notice required by subsection (3) below) apply summarily to the sheriff under this section.
- (2) If the Parliamentary plans or the book of reference are inaccurate in—
- (a) their description of any land; or
 - (b) their statement or description of the ownership or occupation of any land,
- the authorised undertaker may (after giving the notice required by subsection (3) below) apply summarily to the sheriff for correction of such inaccuracy.
- (3) The notice required by subsections (1) and (2) above is 10 days' prior notice—
- (a) in the case of a notice by the authorised undertaker, to the owner, lessee and occupier of the land in question; and
 - (b) in the case of a notice by an owner, to the authorised undertaker and to any lessee or occupier of the land in question.
- (4) Any person to whom a notice has been given under subsection (1) or (2) above may, within the period of 10 days from the giving of the notice, give to the sheriff and the person who gave the notice a counter-notice in writing that the person disputes—

Status: This is the original version (as it was originally enacted).

- (a) in the case of an application under subsection (1) above, that the proposed amendment accurately reflects the obligation; and
 - (b) in the case of an application under subsection (2) above, that there is an inaccuracy which may be amended under this section.
- (5) In relation to any application under this section which has not been the subject of a counter-notice, if it appears to the sheriff—
- (a) that the proposed amendment accurately reflects the obligation; or
 - (b) that the inaccuracy arose from mistake,
- as the case may be, the sheriff shall certify the fact accordingly.
- (6) A certificate relating to an application under subsection (2) above shall state in what respect any matter is misstated or wrongly described.
- (7) If any counter-notice is given pursuant to subsection (4) above, the sheriff shall, before making any decision on the application, cause a hearing to be held.
- (8) The certificate shall be deposited in the office of the Clerk of the Parliament.
- (9) On the making of the deposit required by subsection (8) above—
- (a) the Parliamentary plans and the book of reference shall be deemed to be corrected according to the certificate; and
 - (b) it shall be lawful for the authorised undertaker to take the land or, as the case may be, a right over the land and execute the works in accordance with the certificate.
- (10) The Clerk of the Parliament shall keep every certificate deposited under this section with the Parliamentary plans or book of reference to which it relates.
- (11) An application under subsection (1) or (2) above may only be made in respect of land identified in the book of reference and on the Parliamentary plans.
- (12) In this section “the sheriff” means the sheriff principal of, or any sheriff appointed for, the sheriffdom of Lothian and Borders.