



Edinburgh Tram (Line Two) Act 2006

2006 asp 6

PART 2

LAND

Supplemental powers

36 Extinction or suspension of private rights of way

- (1) Subject to the provisions of this section, all private rights of way over land subject to compulsory acquisition under this Act shall be extinguished—
 - (a) as from the acquisition of the land by the authorised undertaker, whether compulsorily or by agreement, or
 - (b) on the entry on the land by the authorised undertaker under section 37 (Power of entry on lands compulsorily acquired),whichever is sooner.
- (2) Subject to the provisions of this section, all private rights of way over land owned by the authorised undertaker which is within the limits of land to be acquired or used shown on the Parliamentary plans and is required for the purposes of this Act, shall be extinguished on the appropriation of the land for any of those purposes by the authorised undertaker.
- (3) Subject to the provisions of this section, all private rights of way over land of which the authorised undertaker takes temporary possession under this Act shall be suspended and unenforceable for as long as the authorised undertaker remains in lawful possession of the land.
- (4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this section shall be entitled to compensation to be determined, in case of dispute, under the 1963 Act.
- (5) This section does not apply in relation to any right of way to which section 224 or 225 (Extinguishment of rights of statutory undertakers, etc.) of the 1997 Act or paragraph 2 of schedule 9 applies.
- (6) Subsections (1), (2) and (3) shall have effect subject to—

Status: This is the original version (as it was originally enacted).

- (a) any notice given by the authorised undertaker before the completion of the acquisition of the land, the authorised undertaker's appropriation of it, the authorised undertaker's entry onto it, or the authorised undertaker's taking temporary possession of it, as the case may be, that any or all of those subsections shall not apply to any right of way specified in the notice; and
- (b) any agreement made (whether before or after any of the events mentioned in paragraph (a) and before or after the coming into force of this Act) between the authorised undertaker and the person in or to whom the right of way in question is vested or belongs.