



# Glasgow Airport Rail Link Act 2007

## 2007 asp 1

### PART 2

#### LAND

##### *Powers of acquisition*

#### 15 Rights in roads

- (1) The authorised undertaker may—
  - (a) enter upon and appropriate so much of the subsoil of, or air-space over, any road that is authorised to be compulsorily acquired under section 12 as may be required for the purposes of the authorised works, and
  - (b) use the subsoil or air-space for those purposes.
- (2) The powers conferred by subsection (1) may be exercised in relation to a road without the authorised undertaker being required to acquire any part of the road or any servitude or right in relation to it.
- (3) For the purposes of section 28 (Interpretation) of the Land Registration (Scotland) Act 1979 (c. 33), the powers conferred by this section shall constitute a real right and shall be an overriding interest.
- (4) Any person who—
  - (a) is an owner or occupier of land in respect of which the power of appropriation conferred by subsection (1) is exercised without the authorised undertaker acquiring any part of that person's interest in the land, and
  - (b) suffers loss by reason of the exercise of that power,shall be entitled to compensation.
- (5) Any dispute as to a person's entitlement to compensation under subsection (4), or as to the amount of the compensation, shall be determined under the 1963 Act.
- (6) Subsection (2) shall not apply in relation to—
  - (a) any subway or underground building; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) any cellar, vault, arch or other construction in or on a road which forms part of a building fronting onto the road.