



Edinburgh Airport Rail Link Act 2007

2007 asp 16

PART 2

LAND

Supplementary

27 Extinction or suspension of private rights of way

- (1) Subject to subsections (5) and (6), 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 29, whichever is sooner.
- (2) Subject to subsections (5) and (6), all private rights of way over land of which the authorised undertaker takes temporary possession under this section shall be suspended and unenforceable for as long as the authorised undertaker remains in lawful possession of the land.
- (3) Any person who suffers loss by the extinguishment or suspension of any private right of way under this section shall be entitled to compensation.
- (4) Any dispute as to a person's entitlement to compensation under subsection (3), or as to the amount of compensation, shall be determined under the 1963 Act.
- (5) This section does not apply in relation to any right of way to which section 224 or 225 of the 1997 Act (extinguishment of rights of statutory undertakers etc.) or paragraph 2 of schedule 7 to this Act applies.
- (6) Subsections (1) and (2) shall have effect subject to—
 - (a) any agreement made (whether before or after this Act comes into force) between the authorised undertaker and the person entitled to the private right of way;
 - (b) any determination made by the authorised undertaker limiting the application of subsection (1) or (2) to the extent specified in the determination.

Status: This is the original version (as it was originally enacted).

- (7) A determination relating to subsection (1) must be made before the date on which the right in question would have been extinguished.
- (8) A determination relating to subsection (2) may be made at any time before or after temporary possession of any land is taken.
- (9) Notice of determination under this section must be given to the person entitled to the right of way to which it relates as soon as practicable after the making of the determination.
- (10) This section does not apply to any of the land specified in columns (1), (2) and (3) of Part 2 of schedule 5 to this Act (land outside the limits of deviation in which rights are to be acquired).