



Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

PART 1

WORKS, ETC.

Works

- 6 Construction, maintenance and vesting of new or altered roads and vesting of bus lay-by, car parks and cyclepath**
- (1) Each of the roads specified in columns (1) and (2) of Part 1 of schedule 11 to this Act, excluding any structures specified in column (3) shall, unless otherwise agreed between the authorised undertaker and the roads authority, be completed to the reasonable satisfaction of the roads authority.
- (2) Following completion of any road to which subsection (1) applies, the road shall, unless otherwise agreed between the authorised undertaker and the roads authority, be maintained by and at the expense of the authorised undertaker for a period of 12 months from its completion.
- (3) Subject to subsections (4) and (9), on completion of each of the authorised works specified in column (1) of Part 2 of schedule 11 to this Act, title to that work, and in the case of the road, bus lay-by or car parks—
- (a) the land on which each of them is constructed; and
 - (b) any other land acquired by the authorised undertaker for the purpose of constructing the road, bus lay-by or car parks,
- shall, at the time specified in column (2), by virtue of this section vest in the roads authority.
- (4) The extent of the roads vested by virtue of subsection (3)—
- (a) shall not include—
 - (i) any structure specified in column (3) of Part 1 of schedule 11; or
 - (ii) any operational land held by Network Rail; and

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- (b) shall be subject to any determination by the authorised undertaker; and such vesting shall be subject to such rights as may be requisite for the benefit or protection of the authorised works or Network Rail's railway undertaking.
- (5) Following completion of the structures described in column (3) of Part 1 of schedule 11 to this Act, those structures shall vest in Network Rail (if not already so vested).
- (6) The authorised undertaker shall give the roads authority notice in writing with a certificate that any authorised work to which subsection (3) applies is complete.
- (7) The roads authority may, within 21 days after such service, give the authorised undertaker a counter-notice in writing that the notice is disputed on the ground that the work is not complete.
- (8) Any dispute as to the completion of a work shall be determined by arbitration, and the determination of the arbiter (or other person to whom the dispute is referred) shall be final and binding.
- (9) Any work or associated land which is the subject of a notice under subsection (6) shall vest—
- (a) 28 days after the service of the notice;
 - (b) on the date of a determination under subsection (8) that the work is complete;
 - (c) on the date on which the authorised undertaker complies with any conditions for completion that are specified in the determination; or
 - (d) on the completion of the work as provided by subsection (3),
- whichever is the latest.
- (10) A certificate issued by or on behalf of the authorised undertaker as to the date on which the authorised undertaker complied with any conditions of the sort referred to in subsection (9)(c) together, if so requested by the roads authority, with a report from a consultant to be agreed between the authorised undertaker and the roads authority confirming such compliance, shall for the purposes of this section be conclusive evidence of such compliance.
- (11) Nothing in this section shall prejudice the operation of section 146 of the 1991 Act (which enables the local roads authority to declare that a road shall become a public road); and the authorised undertaker shall not by reason of any duty under this section to maintain a road be taken to be the roads authority in relation to that road for the purposes of Part IV of that Act.
- (12) Nothing in this section shall have effect in relation to road works in respect of which the provisions of Part IV of the 1991 Act apply.

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