



# Forth Crossing Act 2011

## 2011 asp 2

### PART 7

#### STATUTORY UNDERTAKERS

#### **57 Apparatus affected by works**

- (1) The following provisions of the 1997 Act apply in relation to land acquired, appropriated or used (or about to be used) by Ministers for purposes connected with this Act as they apply in relation to land acquired or appropriated as mentioned in section 224(1) and 225(1) of the 1997 Act—
  - (a) sections 224 to 227, and
  - (b) all other provisions of the 1997 Act in so far as they apply for the purposes of those sections.
- (2) When so applying those provisions of the 1997 Act the references in sections 224(3) and 225(3) to the purpose of carrying out any development with a view to which land was acquired or appropriated are to be read as references to the purpose of carrying out the Forth Crossing works.
- (3) Those provisions of the 1997 Act, when applied by this section, are to apply in relation to the sewers and sewerage works of Scottish Water as they apply in relation to the apparatus of statutory undertakers.
- (4) This section does not apply to apparatus as respects which section 142 or 143 of the 1991 Act applies (by virtue of section 58 of this Act or otherwise).

The provisions of the 1997 Act mentioned in subsection (1) accordingly have no effect in relation to such apparatus.

#### **58 Works for roads purposes**

For the purposes of sections 142 to 144 of the 1991 Act—

- (a) “works for road purposes” include all Forth Crossing works falling within paragraphs (a) to (d) of the definition of that term in section 145 of the 1991 Act,
- (b) “major works for roads purposes” include all Forth Crossing works executed in relation to a road which consists of or includes a carriageway which fall within any of paragraphs (a) to (d), (f) and (g) of section 145(3) of the 1991 Act, and

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- (c) references to the authority executing works are, where those works are Forth Crossing works, to be read as references to Ministers.

## **59 Compensation for removal of water, gas, electricity or communications apparatus**

- (1) An owner or occupier of premises supplied by apparatus removed in pursuance of section 57 is entitled to be compensated by Ministers in respect of reasonable costs incurred in connecting the premises to other apparatus from which a supply is given.
- (2) This section applies only in relation to apparatus of—
- (a) Scottish Water,
  - (b) a statutory undertaker (within the meaning of section 214 of the 1997 Act) who—
    - (i) is a gas transporter (within the meaning of section 7(1) of the Gas Act 1986 (c.44)), or
    - (ii) holds a licence granted under section 6 of the Electricity Act 1989 (c.29), or
  - (c) a public communications provider (within the meaning of section 151(1) of the Communications Act 2003 (c.21)).
- (3) This section does not apply where the apparatus removed is a public sewer.

## **60 Compensation for removal of public sewer**

- (1) An owner or occupier of premises with drains which communicated with a public sewer removed in pursuance of section 57 is entitled to be compensated by Ministers in respect of reasonable costs incurred—
- (a) in linking the drains with any other public sewer or a private sewage disposal plant, or
  - (b) in constructing a private sewage disposal plant and linking the drains to that plant.
- (2) An owner of a private sewer which communicated with a public sewer removed in pursuance of section 57 is entitled to be compensated by Ministers in respect of reasonable costs incurred—
- (a) in linking the private sewer with any other public sewer or a private sewage disposal plan, or
  - (b) in constructing a private sewage disposal plant and linking the private sewer to that plant.

## **61 Apparatus in stopped up roads**

- (1) A statutory undertaker (within the meaning of the 1984 Act)—
- (a) has the same powers and rights as if this Act had not been enacted in respect of its apparatus which is under, in, on, over, along or across a road stopped up under section 14, and
  - (b) also has the power to—
    - (i) remove any such apparatus and place it (or other equivalent apparatus) in such other position as the undertaker has power to place it, or

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- (ii) place other equivalent apparatus in such a position.
- (2) A statutory undertaker must exercise the power conferred by subsection (1)(b) if the owner of the land concerned reasonably requests it do so.
- (3) Section 144 of the 1991 Act and regulations under that section apply to measures taken under subsection (1)(b) as they apply to measures mentioned in section 144 (with references to the authority to be read as references to Ministers).