Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

SCHEDULE

Section 16.

TEMPORARY WORKING SITES

1 In this Schedule "the designated lands" means any of the lands shown on the deposited plans within a line marked "Limit of land to be used" and numbered on those plans 5 to 11, 22 and 23 in the Hamilton District.

2 The Board, in connection with the construction of Works Nos. 1 and 2 and after giving to the owners and occupiers of the designated lands not less than 28 days' notice in writing of intended entry, may—

(a) enter upon and take possession temporarily of the designated lands;

(b) remove any structures and vegetation on the designated lands; and

(c) construct on the designated lands such temporary works or structures as may be required by them.

3 The Board may form and lay out temporary means of access to the lands numbered 8 and 22 in the Hamilton District from—

(a) Carlisle Road, Ferniegair, at point A; and

(b) Merryton Road, Merryton, at point B.

4 The Board shall not, by reason of the exercise of the powers of paragraph 2 or 3 above, be required to purchase any part of the designated lands.

5 On the exercise of the powers conferred by paragraph 2 or 3 above, the following provisions shall have effect:—

(1) The Board shall not, without the agreement of the owners and occupiers of the designated lands, remain in possession of any part thereof after a period of one year from the completion of the works for which such possession has been taken:

(2) Before giving up possession of the designated lands, the Board shall remove all temporary works or structures and restore the designated lands to the reasonable satisfaction of the owners and occupiers thereof:

(3) The Board shall compensate the owners and occupiers of the designated lands for any loss or damage which may result to them by reason of the exercise of the powers of this Schedule:

(4) Nothing in this Schedule shall relieve the Board from liability to compensate under section 6 or 43 of the Act of 1845 or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under sub-paragraph (3) above:

(5) Any dispute as to a person's entitlement to compensation under sub-paragraph (3) above or as to the amount thereof shall be determined by the tribunal.

6 The provisions of paragraph 5 above are without prejudice to the powers conferred by section 15 (Purchase of specific new rights over land) of this Order in respect of the land numbered on the deposited plans 5 to 7 in the Hamilton District.