Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004

2004 asp 10

PART 2

LAND

Supplementary

22 Extinguishment or suspension of rights of way

(1) Subject to subsection (6) below, 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 24 below,

whichever is sooner.

(2) Subject to subsection (7) below, all private rights of way over land of which the authorised undertaker takes temporary possession under this Act 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, the amount of such compensation to be determined, in case of dispute, under the 1963 Act.

(4) This section does not apply in relation to any right of way to which section 224 or 225 of the Town and Country Planning (Scotland) Act 1997 (c. 8) (extinguishment of rights of statutory undertakers etc.) applies.

(5) Subsections (1) and (2) above shall have effect subject to 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.

(6) The authorised undertaker may, before whichever is the sooner of the events specified in paragraphs (a) and (b) of subsection (1) above, determine that any right of way

Changes to legislation: *There are currently no known outstanding effects for the Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004, Section 22. (See end of Document for details)*

specified in the determination is capable of being exercised compatibly with the construction and maintenance of the relevant part of the authorised works, and that subsection (1) above shall not apply to that right.

(7) The authorised undertaker may, at any time before or after temporary possession of any land is taken, determine that any right of way specified in the determination is capable of being exercised, in whole or to such extent as may be specified in the determination, compatibly with the temporary use of the land under this Act, and that subsection (2) above shall not apply to that right or shall only apply to the extent specified in the determination.

(8) Notice of a determination under this section shall be posted on the relevant land—

(a) in the case of a determination under subsection (6) above, for the period of 28 days after the sooner of the events specified in paragraphs (a) and (b) of subsection (1) above; and

(b) in the case of a determination under subsection (7) above, throughout the period that the authorised undertaker remains in possession of the land.

(9) This section does not apply to any of the land specified in columns (1), (2) and (3) of Part 2 of schedule 7 to this Act (land outside the limits of deviation in which rights are to be acquired).

Changes to legislation:
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