



# Edinburgh Tram (Line One) Act 2006

## 2006 asp 7

### PART 2

#### LAND

##### *Principal acquisition powers*

#### **27 Temporary use of land for maintenance of works**

- (1) The authorised undertaker may—
  - (a) enter upon and take temporary possession of any land within 20 metres of any of the authorised works if such possession is reasonably required for the purpose of, or in connection with, maintaining the work or any ancillary works connected with it or securing the safe operation of that work,
  - (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.
- (2) Subsection (1) shall not authorise the authorised undertaker to take temporary possession of—
  - (a) any house or garden belonging to a house, or
  - (b) any building (other than a house) if it is for the time being occupied.
- (3) Not less than 28 days before entering upon and taking temporary possession of land under this section, the authorised undertaker shall serve notice of the intended entry on the owners and occupiers of the land.
- (4) The authorised undertaker may only remain in possession of land under this section for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.
- (5) Before giving up possession of land of which temporary possession has been taken under this section, the authorised undertaker shall remove all works and restore the land to the reasonable satisfaction of the owners of the land.
- (6) The authorised undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this section for any loss or damage arising from the exercise in relation to the land of the powers conferred by this section.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Any dispute as to a person's entitlement to compensation under subsection (6), or as to the amount of compensation, shall be determined under the 1963 Act.
- (8) Nothing in this section shall affect any liability to pay compensation in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under subsection (6).
- (9) Where the authorised undertaker takes possession of any land under this section, it shall not be required to acquire the land or any interest in it.
- (10) In this section—  
“building” includes structure or other erection, and  
any reference to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of the point on the surface below which the work is situated.