

# GLASGOW AIRPORT RAIL LINK ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3 – Miscellaneous and general

##### *Section 34 – Statutory undertakers, etc.*

164. Subsection (1) introduces **schedule 7** to the Act. This schedule is concerned with the rights of the providers of water, gas, electricity, sewerage and telecommunications services to maintain their supplies through apparatus that will or may be affected by the Act. These providers (frequently described in legislation as “undertakers”) have historically been legislated for as “statutory undertakers”. In particular, “statutory undertakers” is the expression used in sections 224 to 227 of the [Town and Country Planning \(Scotland\) Act 1997 \(c.8\)](#) (in the Act called “the 1997 Act”). Sections 224 to 227 provide a statutory code that applies in certain cases where the use of land for planning purposes makes it necessary to extinguish undertakers’ rights to maintain apparatus.
165. This code provides for the acquiring authority to be able to serve notice to require the relocation of apparatus of the undertaker, and for the statutory undertaker to object to the proposal (disputes being determined by Scottish Ministers). Alternatively the statutory undertaker can serve notice on the acquiring authority if it considers that a relocation will be necessary. In either case the compensation is payable by the acquiring authority.
166. **Schedule 7** is well preceded. Legislation authorising infrastructure provides protection for undertakers’ apparatus in one of two ways. Either it applies the statutory code in the 1997 Act or it sets out at length the arrangements between the promoter and each of the affected undertakers. The latter course would call for the Act to include detailed provisions concerning the approval or agreement of detailed works, the methods of carrying them out and the provision of alternative undertakers’ apparatus. These are all matters that can be agreed privately between the parties and recorded in formal agreements. **Schedule 7** seeks to put in place a baseline framework that will ensure that the authorised undertaker is obliged to make the necessary arrangements, and which will operate in the absence of any separate private agreement.
167. It is known that there is undertakers’ apparatus in some of the land required for the authorised works. The Act when enacted will therefore give rise to the situation for which sections 224 to 227 are designed. **Schedule 7** accordingly applies the code in sections 224 to 227 to the authorised works.
168. **Paragraph 1** of **schedule 7** provides for those sections to apply. **Paragraph 2** applies all other provisions of the 1997 Act that are needed for the operation of sections 224 to 227, including the provisions regarding compensation.
169. **Paragraphs 3** and **4** provide for compensation to be payable to owners and occupiers of premises who have to make alternative connection arrangements because of the removal of apparatus in accordance with the code. **Paragraph 3** deals with connections in order

*These notes relate to the Glasgow Airport Rail Link Act 2007  
(asp 1) which received Royal Assent on 15 January 2007*

to retain a supply of water, electricity, gas or electronic communications services and paragraph 4 deals with connections with sewers.

170. Part IV of the New Roads and Street Works Act 1991 is a separate code governing works in roads. It covers works involving the removal or laying of undertakers' apparatus in roads, and it applies automatically. Accordingly, paragraph 5 of [schedule 7](#) provides that this schedule will not apply to cases that are governed by Part IV.