



# Glasgow Airport Rail Link Act 2007

## 2007 asp 1

### PART 2

#### LAND

##### *Powers of acquisition*

#### **12 Authority to acquire land**

- (1) The authorised undertaker is authorised to acquire compulsorily—
  - (a) such of the land shown on the Parliamentary plans within the limits of deviation for the authorised works as—
    - (i) is described in the book of reference; and
    - (ii) is required by the authorised undertaker for the purposes of the authorised works; and
  - (b) such of the land so shown within the limits of land to be acquired or used and so described as—
    - (i) is specified in columns (1), (2) and (3) of Part 1 of schedule 5 to this Act; and
    - (ii) is required for the purposes specified in relation to that land in column (4) of that Part.
- (2) The powers conferred by subsection (1)(a) do not apply to the leasehold interest of CGM (Oswald) Limited (company no. SC 190896) in the land shown numbered 45 on sheet 19 of the Parliamentary plans, except in relation to the airspace occupied by any protective or strengthening works constructed under the powers conferred by this Act.

#### **13 Acquisition of subsoil or airspace or rights**

- (1) In exercise of the powers conferred by section 12 the authorised undertaker may, as regards any land authorised to be acquired under that section, acquire compulsorily—
  - (a) so much of the subsoil of or airspace over the land; or
  - (b) such servitudes or other rights over the land,as may be required for any purpose for which that land may be acquired under that section.

- (2) Servitudes and other rights may be acquired under subsection (1) by creating them as well as by acquiring servitudes and other rights already in existence.
- (3) Section 90 of the 1845 Lands Act and paragraph 20 of Schedule 15 to the 1997 Act (which provide in certain circumstances for the owner of the land to require the purchase of the whole rather than part of that property) shall not apply to any compulsory acquisition under this section or under section 14.
- (4) Subject to subsections (5) and (6), the Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory acquisition of new rights under this section or under section 14 as they apply to the compulsory acquisition of land.
- (5) As so having effect, references in the Lands Clauses Acts to land shall be treated as, or as including, references to new rights or to the land over which new rights are to be exercisable.
- (6) Section 61 of the 1845 Lands Act (estimation of purchase money and compensation) shall apply to the compulsory acquisition of a right under this section or section 14 as if for the words from “value” to “undertaking” there were substituted the words “extent (if any) to which the value of the land in or over which the right is to be acquired is depreciated by the acquisition of the right”.

#### **14 Purchase of specific new rights over land**

- (1) The authorised undertaker may acquire compulsorily in or over any of the land shown on the Parliamentary plans within any limits of land to be acquired or used and specified in columns (1), (2) and (3) of Part 2 of schedule 5 to this Act, such servitudes or other new rights as it requires for the purposes mentioned in column (4) of that Part.
- (2) The authorised undertaker may acquire compulsorily in or over premises leased by CGM (Oswald) Limited (company no. SC 190896) within the land shown numbered 45 on sheet 19 of the Parliamentary plans such right of access as may be required for the purpose of maintaining the authorised works.

#### **15 Rights in roads**

- (1) The authorised undertaker may—
  - (a) enter upon and appropriate so much of the subsoil of, or air-space over, any road that is authorised to be compulsorily acquired under section 12 as may be required for the purposes of the authorised works, and
  - (b) use the subsoil or air-space for those purposes.
- (2) The powers conferred by subsection (1) may be exercised in relation to a road without the authorised undertaker being required to acquire any part of the road or any servitude or right in relation to it.
- (3) For the purposes of section 28 (Interpretation) of the Land Registration (Scotland) Act 1979 (c. 33), the powers conferred by this section shall constitute a real right and shall be an overriding interest.
- (4) Any person who—

- (a) is an owner or occupier of land in respect of which the power of appropriation conferred by subsection (1) is exercised without the authorised undertaker acquiring any part of that person's interest in the land, and
  - (b) suffers loss by reason of the exercise of that power,
- shall be entitled to compensation.
- (5) Any dispute as to a person's entitlement to compensation under subsection (4), or as to the amount of the compensation, shall be determined under the 1963 Act.
- (6) Subsection (2) shall not apply in relation to—
- (a) any subway or underground building; or
  - (b) any cellar, vault, arch or other construction in or on a road which forms part of a building fronting onto the road.

## **16 Temporary use of land for construction of works**

- (1) The authorised undertaker may, in connection with the carrying out of the authorised works—
- (a) enter upon and take temporary possession of any of the land specified in columns (1), (2) and (3) of schedule 6 to this Act for the purpose specified in relation to that land in column (4) of that schedule relating to the authorised works specified in column (5) of that schedule;
  - (b) remove any buildings and vegetation from that land; and
  - (c) construct on the land temporary works (including the provision of means of access) and buildings and permanent mitigation or accommodation works.
- (2) 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.
- (3) The authorised undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this section after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in column (5) of schedule 6 to this Act.
- (4) Before giving up possession of land of which temporary possession has been taken under this section, the authorised undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the authorised undertaker shall not be required to replace a building removed under this section.
- (5) 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.
- (6) Any dispute as to a person's entitlement to compensation under subsection (5), or as to the amount of the compensation, shall be determined under the 1963 Act.
- (7) Nothing in this section shall affect any liability to pay compensation under section 6 or 36 of the 1845 Act 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 subsection (5).

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

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- (8) Where the authorised undertaker takes possession of land under this section, it shall not be required to acquire the land or any interest in it.
- (9) In this section “building” includes any structure or erection.