



# Edinburgh Airport Rail Link Act 2007

## 2007 asp 16

### PART 3

#### MISCELLANEOUS AND GENERAL

#### **38 Traffic regulation**

- (1) The following provisions of this section shall have effect so as to enable the authorised undertaker, in connection with the construction of the authorised works, to regulate traffic in Burnshot Road for any of the purposes mentioned in section 1(1) of the 1984 Act.
- (2) Part 1 of the 1984 Act shall have effect in relation to—
  - (a) the road specified in subsection (4); and
  - (b) the restriction and revocation authorised by that subsection,in accordance with the following provisions of this section.
- (3) Accordingly—
  - (a) section 1(1) of the 1984 Act shall apply as if the authorised undertaker as well as the Council were the local traffic authority;
  - (b) the restriction and revocation authorised by subsection (4) are included in the provision that may be made by a traffic regulation order under section 2 of that Act;
  - (c) any restriction or revocation made by the authorised undertaker or the Council under this section shall have effect as if duly made by the Council as a traffic regulation order under section 1(1) of that Act.
- (4) Subject to the provisions of this section, the local traffic authority may, in connection with the construction of the authorised works, at any time prior to the expiry of 12 months from the opening of the authorised works for public use—
  - (a) impose restrictions on the use of the portion of Burnshot Road between its junctions with, respectively, the A90 and Main Street, Kirkliston; and
  - (b) revoke in whole or in part any traffic regulation order in so far as the revocation is consequential on any restriction made under this subsection.
- (5) The local traffic authority shall not exercise the powers conferred by this section unless it has given not less than 12 weeks' notice in writing of its intention so to do to the Chief

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*Changes to legislation: There are currently no known outstanding effects for the Edinburgh Airport Rail Link Act 2007, Section 38. (See end of Document for details)*

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Constable of [<sup>F1</sup>the Police Service of Scotland]; and the authorised undertaker shall not exercise the powers conferred by this section unless it has in addition obtained the prior consent of the Council.

- (6) The Council shall not exercise the powers conferred by this section unless it has consulted the authorised undertaker.
- (7) The instrument by which any restriction or revocation is effected under this section may specify savings to which the restriction or revocation is subject.
- (8) Any restriction or revocation made under this section may be varied or revoked from time to time by subsequent exercises of the powers conferred by this section (whether or not prior to the expiry of the period of 12 months referred to in subsection (1)), but the authorised undertaker shall not vary or revoke any provision previously made by the Council under this section without the consent of the Council, and the Council shall not vary or revoke any provision previously made by the authorised undertaker under this section without the consent of the authorised undertaker.
- (9) Any restriction or revocation made under this section may also be varied or revoked from time to time by the Council by a traffic regulation order under the 1984 Act, but the Council shall not by such an order vary or revoke any provision previously made by the authorised undertaker under this section without the consent of the authorised undertaker.
- (10) Any consent required under subsection (5), (8) or (9) shall not be unreasonably withheld.
- (11) Any dispute as to whether consent under subsection (5), (8) or (9) has been unreasonably withheld shall, unless the parties otherwise agree, be determined by arbitration.
- (12) In this section—
  - “the 1984 Act” means the Road Traffic Regulation Act 1984 (c. 27);
  - “the Council” means City of Edinburgh Council; and
  - “local traffic authority” had the meaning given by section 121A of the 1984 Act.

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#### Textual Amendments

- F1** Words in s. 38(5) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012](#) (asp 8), s. 129(2), [Sch. 7 para. 37](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

**Changes to legislation:**

There are currently no known outstanding effects for the Edinburgh Airport Rail Link Act 2007, Section 38.