



Edinburgh Airport Rail Link Act 2007

2007 asp 16

PART 1

WORKS, ETC.

Works

8 Vesting of private roads and private accesses

- (1) Unless otherwise agreed between the authorised undertaker and the intended owner, each of—
 - (a) the private roads comprising Works Nos. 1B, 2D and 4L; and
 - (b) the private accesses comprising Works Nos. 2E, 5A, 6A, 6B and 6D, so much of Work No. 4T as is situated in plot no. 422b and so much of Castle Gogar Drive as is situated in plots nos. 705 and 711b,shall, following its completion as certified or determined under this section, be maintained by and at the expense of the authorised undertaker for a period of 12 months from such completion.
- (2) Subject to subsection (7), at the expiry of the period during which the authorised undertaker is liable under subsection (1) to maintain any private road or private access, the road or access and its associated land shall, if they are vested in the authorised undertaker, by virtue of this section vest in the intended owner.
- (3) Any vesting effected by subsection (2) shall be subject to such rights specified by the authorised undertaker as may be requisite to reflect public or private rights in any road or access for which the private road or private access is a substitute.
- (4) The authorised undertaker shall give every intended owner notice in writing specifying—
 - (a) the private road, private access or associated land that is to be vested;
 - (b) details of any other person in whom that road, access or land is to be vested; and
 - (c) details of any rights to which the road, access or land is to be subject and of every person who has or will have such rights,together with a certificate that the road or access is complete.

Status: This is the original version (as it was originally enacted).

- (5) A person on whom a notice is served under subsection (4) may, within 21 days after such service, give the authorised undertaker a counter-notice in writing that the notice is disputed on the grounds that—
- (a) the person on whom the notice has been served is not such a person as is described in subsection (9);
 - (b) the road or access is not complete; or
 - (c) any rights specified under subsection (4)(c) are not such as described in that subsection.
- (6) Any dispute as to whether a person is such a person as is described in subsection (9), as to the completion of a private road or private access or as to whether rights specified in a notice are such as described in subsection (4)(c) shall be determined by arbitration, and the determination of the arbiter (or other person to whom the dispute is referred) shall be final and binding.
- (7) Any private road, private access or associated land which is the subject of a notice under subsection (4) shall vest—
- (a) 28 days after the service of the notice;
 - (b) on the date of a determination under subsection (6) that the person on whom the notice has been served is such a person as is described in subsection (9) and that the road or access is complete;
 - (c) on the date on which the authorised undertaker complies with any conditions for completion that are specified in the determination; or
 - (d) on the expiry of the period specified in subsection (2),
- whichever is the latest.
- (8) A certificate issued by or on behalf of the authorised undertaker as to the date on which the authorised undertaker complied with any conditions of the sort referred to in subsection (7)(c) together, if so requested by the intended owner, with supporting consultants' reports, shall for the purposes of this section be conclusive evidence of such compliance.
- (9) In this section “intended owner” means a person or persons identified by the authorised undertaker to become the owner of a private road or private access constructed under this Act as being—
- (a) the owner of the private road or private access for which the private road or private access being vested is a substitute; or
 - (b) the owner of land that is served by the private road or private access.