



# Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

## PART 2

### LAND

#### *Powers of acquisition*

#### **20 Rights in roads or public places**

- (1) The authorised undertaker may—
  - (a) enter upon and appropriate so much of the subsoil of, or air-space over, any road or public place that is authorised to be compulsorily acquired under section 17 as may be required for the purposes of the authorised works; and
  - (b) may use the subsoil or air-space for those purposes or any other purpose connected with or ancillary to its railway undertaking.
- (2) Subject to subsection (3), the powers conferred by subsection (1) may be exercised in relation to a road or public place without the authorised undertaker being required to acquire any part of the road or place or any servitude or other right in relation to it.
- (3) 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 or public place.
- (4) The authorised undertaker shall not be required to pay compensation for the exercise of the powers conferred by subsection (1) to the roads authority in respect of a public road or to the authority in which any public place is vested.
- (5) Any person other than a roads authority who—
  - (a) is an owner or occupier of land in respect of which the power 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,

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*Status: This is the original version (as it was originally enacted).*

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shall be entitled to compensation to be determined, in case of dispute, under the 1963 Act.

- (6) For the purposes of section 28 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.