



# Glasgow Airport Rail Link Act 2007

## 2007 asp 1

### PART 1

#### WORKS, ETC.

##### *Works*

#### **1 Authority to construct works**

The authorised undertaker is hereby authorised to construct and maintain the authorised works, namely—

- (a) the scheduled works referred to in section 2 (“the scheduled works”); and
- (b) the ancillary works referred to in section 3 (“the ancillary works”).

#### **2 The scheduled works**

The scheduled works are the works situated within the lateral limits of deviation shown on the Parliamentary plans, at the levels shown on the Parliamentary sections and specifically described in schedule 1 to this Act.

#### **3 The ancillary works**

- (1) The ancillary works are such works of the nature described in schedule 2 to this Act as may be necessary or expedient for the purposes of, in connection with or in consequence of the construction of the scheduled works.
- (2) Subject to subsection (3), subsection (1) only authorises the carrying out or maintenance of works—
  - (a) within the limits of deviation;
  - (b) on land specified in columns (1), (2) and (3) of schedules 5 and 6 for the purpose specified in relation to that land in column (4) of the relevant schedule (being land shown on the Parliamentary plans as lying within the limits of land to be acquired or used).
- (3) The authorised undertaker may construct and maintain ancillary works identified in paragraphs 12 and 13 of schedule 2 anywhere within the Act limits.

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#### **4 Permitted deviation within limits**

In constructing or maintaining any of the authorised works the authorised undertaker may—

- (a) deviate laterally from the lines or situations shown on the Parliamentary plans within the limits of deviation for that work shown on those plans; and
- (b) deviate vertically from the levels shown on the Parliamentary sections—
  - (i) to any extent not exceeding 3 metres upwards; and
  - (ii) to any extent downwards as may be necessary or expedient.

#### **5 Access to works**

- (1) The authorised undertaker may, for or in connection with the authorised works, form and lay out means of access, or improve existing means of access to or from any public road—
  - (a) at the points shown on the Parliamentary plans; or
  - (b) in such location or locations within the limits of deviation or the limits of land to be acquired or used as may be approved by the roads authority.
- (2) Approval of the roads authority under subsection (1)(b) shall not be unreasonably withheld and any question whether an approval has been unreasonably withheld shall, unless the parties otherwise agree, be determined by arbitration.

#### **6 Construction and maintenance of altered roads**

Where a road is altered under this Act, the altered part of the road shall when completed to the reasonable satisfaction of the roads authority, unless otherwise agreed, be maintained—

- (a) by and at the expense of the authorised undertaker for a period of 12 months from its completion; and
- (b) at the expiry of that period by and at the expense of the roads authority.

#### **7 Works treated as major works for road purposes**

- (1) Works to which subsection (2) applies shall be treated for the purposes of Part IV of the 1991 Act as major works for roads purposes if—
  - (a) they are of a description mentioned in any of paragraphs (a) to (d), (f) and (g) of section 145(3) of that Act (which defines what roads authority works are major works for roads purposes); or
  - (b) they are works which, had they been executed under the powers of the roads authority, might have been carried out in exercise of the powers conferred by section 27 (dual carriageways, roundabouts and refuges) or 63 (new access over verges and footways) of the Roads (Scotland) Act 1984 (c. 54).
- (2) This subsection applies to any works executed under this Act in relation to a road which consists of or includes a carriageway other than those executed under power delegated to a roads authority by an agreement under section 8.
- (3) In Part IV of the 1991 Act, references, in relation to major works for roads purposes, to the roads authority concerned shall, in relation to the works which are major works for roads purposes by virtue of subsection (1), be construed as references to the authorised undertaker.

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## **8 Agreements with roads authorities**

- (1) Where under this Act the authorised undertaker is authorised to interfere with an existing road or part of an existing road, it may enter into agreements with the persons having the charge, management or control of the road concerning the construction (or contribution towards the expense of the construction) of—
  - (a) any alteration of the existing road, and
  - (b) any other related matters.
- (2) The authorised undertaker may, by agreement with any such persons, delegate to them the power to make any such alteration of an existing road, including any bridge over any railway, and, where the authorised undertaker is responsible for maintaining the altered road or bridge, the power to maintain it.

### *Supplemental powers*

## **9 Temporary stopping up, alteration or diversion of roads**

- (1) During and for the purposes of the execution of the authorised works the authorised undertaker may temporarily stop up, alter or divert any road and may for any reasonable time—
  - (a) divert the traffic from the road; and
  - (b) subject to subsection (2), prevent all persons from passing along the road.
- (2) The authorised undertaker shall provide reasonable access for pedestrians going to or from premises abutting on a road affected by the exercise of the powers conferred by this section if there would otherwise be no such access.
- (3) Without prejudice to the generality of subsection (1), the authorised undertaker may temporarily stop up, alter or divert each of the roads specified in columns (1) and (2) of schedule 3 to this Act to the extent specified (by reference to the letters and numbers shown on the relevant Parliamentary plans) in column (3), and may for any reasonable time—
  - (a) divert the traffic from the road; and
  - (b) subject to subsection (2), prevent all persons from passing along the road.
- (4) The authorised undertaker shall not exercise the powers conferred by this section—
  - (a) in relation to any road specified as mentioned in subsection (3), without first consulting the road works authority; and
  - (b) in relation to any other road, without the consent of the road works authority.
- (5) Consent under subsection (4)(b) shall not be unreasonably withheld but may be given subject to such conditions as the road works authority may reasonably impose.
- (6) Any question whether—
  - (a) consent under subsection (4)(b) has been unreasonably withheld; or
  - (b) a condition imposed under subsection (5) is unreasonable,shall, unless the parties otherwise agree, be determined by arbitration.

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## **10 Discharge of water**

- (1) The authorised undertaker may use any available watercourse or any public sewer or drain for the drainage of water, and for that purpose may—
  - (a) lay down, take up and alter pipes; or
  - (b) make openings into, and connections with the watercourse, public sewer or drain,
 on any land within the limits of deviation or the limits of land to be acquired or used.
- (2) The authorised undertaker shall not discharge any water into any artificial watercourse, or any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but shall not be unreasonably withheld.
- (3) The authorised undertaker shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld.
- (4) The authorised undertaker shall take such steps as are reasonably practicable to secure that any water discharged under the powers conferred by this section is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (5) Any difference under this section arising between the authorised undertaker and the owner of an artificial watercourse or a public sewer or drain shall, unless the parties otherwise agree, be determined by arbitration.
- (6) Nothing in this section shall affect the operation of Part IV of the 1991 Act or the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (S.S.I. 2005/348).
- (7) In this section—
 

“public sewer or drain” means a sewer or drain which belongs to Scottish Water, a private provider who has made an agreement with Scottish Water under section 1(2)(b) of the Sewerage (Scotland) Act 1968 (c. 47) (duty of Scottish Water to provide sewerage for their area) or a roads authority; and

“watercourse” includes all rivers, streams, ditches, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain.

## **11 Safeguarding works to buildings**

- (1) The authorised undertaker may at its own expense and from time to time carry out such safeguarding works to any building within the Act limits as the authorised undertaker considers to be necessary or expedient.
- (2) The powers conferred by this section shall be exercised subject to and in accordance with schedule 4 to this Act.
- (3) In this section and that schedule—
  - (a) “building” includes any structure or erection or any part of a building, structure or erection; and
  - (b) “safeguarding works”, in relation to a building, means—
    - (i) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;

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- (ii) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
- (iii) any works the purpose of which is to secure the safe construction and operation of the authorised works or to prevent or minimise the risk of such operation being disrupted.

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