

EXPLANATORY NOTES

FORTH CROSSING ACT 2011

INTRODUCTION

THE ACT

ACCOMPANYING DOCUMENTS

STRUCTURE OF THE ACT

COMMENTARY ON SECTIONS

PART 1 – WORKS

Section 1 – Power to construct Forth Crossing etc.

Section 2 – Bridge proportions

Section 3 – Maximum construction height

Section 4 – Limits of deviation etc.

Section 5 – Bridge marking and lighting

Section 6 – Interference with navigation

Section 7 – Dredging etc.

Section 8 – Marine (Scotland) Act 2010

Section 9 – Interference with railways

Section 10 – Trees and shrubs

PART 2 – ROADS

Section 11 – Special roads

Section 12 – Trunk roads

Section 13 – Roads to be transferred to local roads authorities

Section 14 – Stopping up of roads

Section 15 – Stopping up of means of access

Section 16 – Extinction of rights of way

Section 17 – Solum of stopped up road

Section 18 – Works in roads where the Ministers are not the roads authority

Section 19 – Access to public roads

Section 20 – Application of the Roads (Scotland) Act 1984

PART 3 – LAND

Section 21 – Incorporation of enactments

Section 22 – Compulsory acquisition of land

Section 23 – Acquisition of land by agreement

Section 24 – Acquisition of servitudes and other rights

Section 25 – Extinction of real burdens and servitudes etc.

Section 26 – Persons under a disability may grant servitudes, etc.

Section 27 – Registration of servitudes and other rights

Section 28 – Minerals

Section 29 – Time limit for compulsory acquisition

PART 4 – TAKING TITLE TO LAND

Section 30 – Service of a notice to treat

Section 31 – Partial acquisitions using notice to treat procedure

Section 32 – Severance disputes (notice to treat procedure): Lands Tribunal

Section 33 – Severance of agricultural land

Section 34 – Notice to treat: time limit

Section 35 – General vesting declarations

Section 36 – Duty to publicise general vesting declarations

PART 5 – POWERS TO ENTER AND USE LAND

Section 37 – Temporary possession of land

Section 38 – Power to enter land for other purposes

Section 39 – Advance entry on land to be acquired

Section 40 – Notice of entry

Section 41 – Use of land

Section 42 – Duty to remedy damage etc.

Section 43 – No power to enter homes

Section 44 – Warrants authorising entry

Section 45 – Obstruction

Section 46 – Suspension of real burdens and servitudes etc.

PART 6 – COMPENSATION

Section 47 – Land Compensation (Scotland) Act 1963

Section 48 – Matters to be considered when assessing compensation

Section 49 – Matters to be ignored when assessing compensation

Section 50 – Compensation: partial acquisition etc.

Section 51 – Compensation: servitudes and other rights

Section 52 – Compensation: cutting down, lopping, or cutting back roots of, trees or shrubs

Section 53 – Compensation: stopping up

Section 54 – Compensation: entering and using land temporarily

Section 55 – Compensation: advance entry

Section 56 – Compensation where notice to treat becomes invalid

PART 7 – STATUTORY UNDERTAKERS

Section 57 – Apparatus affected by works

Section 58 – Works for roads purposes

Section 59 – Compensation for removal of water, gas, electricity or communications apparatus

Section 60 – Compensation for removal of public sewer

Section 61 – Apparatus in stopped up roads

PART 8 – PLANNING PERMISSION, LISTED BUILDINGS AND CONSERVATION AREAS

Section 62 – Planning permission

Section 63 – Relaxation of listed building controls

Section 64 – Demolition in conservation areas

Section 65 – Interpretation of Part 8

PART 9 – ENVIRONMENTAL MATTERS

Section 66 – Mitigation of environmental impact

These notes relate to the Forth Crossing Act 2011 (asp 2)

Section 67 – Compliance with code of construction practice and noise and vibration policy

Section 68 – Amendment of code of construction practice and noise and vibration policy

Section 69 – Protection of water environment

Section 70 – Control of noise: Control of Pollution Act 1974

Section 71 – Statutory nuisance: noise under the Environmental Protection Act 1990

PART 10 – MISCELLANEOUS

Section 72 – Blighted land

Section 73 – Certification of Parliamentary plans, etc.

Section 74 – Changes to Parliamentary plans or book of reference

Section 75 – Provision of information on the progress of the Forth Crossing works

Section 76 - Formal communications

Section 77 – Ancillary provision

Section 78 – Crown application

Section 79 – Interpretation

Section 80 – Commencement

Section 81 – Short title

SCHEDULES

Schedule 1 – Principal works

Schedule 2 – Ancillary works

Schedule 3 – Special roads

Schedule 4 – Proposed trunk roads

Schedule 5 – Existing roads to become trunk roads on date determined by Ministers

Schedule 6 – Roads to be transferred to local roads authorities

Schedule 7 – Roads to be stopped up

Schedule 8 – Means of access to be stopped up

Schedule 9 – Land which may be acquired

Schedule 10 – Temporary possession of land

Schedule 11 – Listed buildings: authorised works

These notes relate to the Forth Crossing Act 2011 (asp 2)

PARLIAMENTARY HISTORY