



# Edinburgh Tram (Line Two) Act 2006

## 2006 asp 6

### PART 1

#### WORKS

##### *Principal works powers*

#### **1 Power to construct works**

- (1) The authorised undertaker may construct and maintain the scheduled works or any part of them, as specified in schedule 1.
- (2) Subject to section 2 (Power to deviate), the scheduled works may only be constructed in the lines or situations shown on the Parliamentary plans and in accordance with the levels shown on the Parliamentary sections.
- (3) Subject to subsection (7), the authorised undertaker may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, in connection with or in consequence of, the scheduled works, namely—
  - (a) stopping places;
  - (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised tramway;
  - (c) works required for the strengthening, improvement, repair or reconstruction of any road;
  - (d) works for the strengthening, alteration or demolition of any building or structure;
  - (e) works to alter the position of any road furniture or apparatus, including mains, sewers, drains and cables and lights;
  - (f) works to alter the course of, or otherwise interfere with, rivers, streams or watercourses;
  - (g) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works; and
  - (h) facilities and works for the benefit or protection of land or premises affected by the authorised works.

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*Changes to legislation:* There are currently no known outstanding effects for the Edinburgh Tram (Line Two) Act 2006, Cross Heading: Principal works powers. (See end of Document for details)

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- (4) Subject to subsection (7), the authorised undertaker may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the scheduled works.
- (5) The authorised undertaker may remove any works constructed by it pursuant to this Act which have been constructed as temporary works or which it no longer requires.
- (6) Where the authorised undertaker lays down conduits for the accommodation of cables or other apparatus for the purposes of the authorised works or associated traffic control, it may provide in, or in connection with, such conduits accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between it and such other person.
- (7) Subsections (3) and (4) shall only authorise the carrying out or maintenance of works—
  - (a) within the limits of deviation shown on the Parliamentary plans for the scheduled works; or
  - (b) on land specified in columns (1) and (2) of Parts 1 and 2 of schedule 6 for the purpose specified in relation to that land in column (3) of those Parts of that schedule (being land shown on the Parliamentary plans as lying within the limits of land to be acquired or used).

## **2 Power to deviate**

- (1) In constructing or maintaining any of the scheduled 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.
- (2) The authorised undertaker may in constructing or maintaining any of the authorised tramroads or authorised road tramways lay down—
  - (a) double lines of rails instead of single lines,
  - (b) single lines of rails instead of double lines,
  - (c) interlacing lines of rails instead of double or single lines, or
  - (d) double or single lines of rails instead of interlacing lines.
- (3) The power in subsection (2) shall not be exercised in the case of any authorised road tramway without the consent of the road works authority, but such consent shall not be unreasonably withheld.
- (4) The authorised undertaker may in constructing and maintaining any of the authorised tramroads provide within the limits of deviation for those tramroads such number of lines of rails and sidings as may be necessary or expedient.

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### **3 Power to alter the layout of roads**

- (1) The authorised undertaker may alter the layout of any road specified in columns (1) and (2) of schedule 2 in the manner specified in relation to that road in column (3) of that schedule.
- (2) Without prejudice to the specific power conferred by subsection (1) but subject to subsection (3), the authorised undertaker may for the purpose of constructing, maintaining or using any authorised road tramway alter the layout of the road along which the tramway is laid; and, without prejudice to the generality of the foregoing, the authorised undertaker may—
  - (a) increase the width of the carriageway of the road by reducing the width of any kerb, footpath, footway, cycle track or verge within the road,
  - (b) alter the level or reduce the width of any such kerb, footpath, footway, cycle track or verge,
  - (c) reduce the width of the carriageway of the road by forming a reserved area in the road as a stopping place for trams or by carrying out other works for that purpose,
  - (d) carry out works to the carriageway of the road for the purpose of deterring or preventing vehicles other than trams from passing along the tramway,
  - (e) carry out works for the provision or alteration of parking places and bus lay-bys, and
  - (f) make and maintain crossovers, sidings or passing places.
- (3) The powers in subsection (2) shall not be exercised without the consent of the roads authority, but such consent shall not be unreasonably withheld.
- (4) The alteration of the layout of a road under this section shall be deemed to be a determination of the right of passage along that road under section 1(1) (Powers and duties of local roads authorities) of the Roads (Scotland) Act 1984 (c. 54).

### **4 Power to keep apparatus in roads**

- (1) The authorised undertaker may, for the purposes of or in connection with the construction, maintenance and use of any authorised road tramway, place and maintain in any road along which the tramway is laid any work, equipment or apparatus including, without prejudice to the generality of the foregoing, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.
- (2) In this section—
  - (a) “apparatus” has the same meaning as in Part IV of the 1991 Act;
  - (b) “electric line” has the meaning given by section 64(1) (Interpretation etc. of Part I) of the Electricity Act 1989 (c. 29); and
  - (c) the reference to any work, equipment or apparatus in a road includes a reference to any work, equipment or apparatus under, over, along or upon the road.

### **5 Power to execute road works**

- (1) The authorised undertaker may, for the purposes of exercising the powers conferred by section 4 (Power to keep apparatus in roads) and the other provisions of this Act, enter upon so much of any road in which tramways are or are to be laid and any road having a junction with such a road and may—

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- (a) break up or open the road, or any sewer drain or tunnel under it, or tunnel or bore under the road;
- (b) remove and use the soil or other materials in or under the road;
- (c) place apparatus in the road;
- (d) maintain or change the position of apparatus in the road; and
- (e) execute any works required for or incidental to the exercise of those powers.

(2) This section is subject to paragraph 3 of schedule 9.

## **6 Permanent stopping up of roads**

- (1) Subject to the provisions of this section, the authorised undertaker may, in connection with the construction of the authorised works, permanently stop up each of the roads specified in column (1) and (2) of Parts 1 and 3 of schedule 3 and stop up each of the roads mentioned in columns (1) and (2) of Part 2 of that schedule to vehicular rights of access and egress, to the extent specified, by reference to the letters and numbers shown on the Parliamentary plans, in column (3) of Parts 1, 2 and 3 of that schedule.
- (2) No road specified in columns (1) and (2) of Part 1 of schedule 3 (being a road to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this section until either—
  - (a) the new road to be substituted for it, and which is specified in relation to it by reference to the letters and numbers shown on the Parliamentary plans in column (4) of that Part of that schedule, has been completed to the reasonable satisfaction of the roads authority and is open for use; or
  - (b) a temporary alternative route is first provided and thereafter maintained by the authorised undertaker to the reasonable satisfaction of the roads authority between the commencement and termination points of the road to be stopped up until completion and opening of the new road in accordance with paragraph (a).
- (3) No road specified in columns (1) to (3) of Part 3 of schedule 3 (being a road to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this section unless a condition specified in subsection (4) is satisfied in relation to all the relevant land; and for this purpose “relevant land” means any land which abuts on either side of the road to be stopped up.
- (4) The condition referred to in subsection (3) is that—
  - (a) the authorised undertaker is in possession of the land,
  - (b) there is no right of access to the land from the road concerned,
  - (c) there is reasonably convenient access to the land otherwise than from the road concerned, or
  - (d) the owners and occupiers of the land have agreed to the stopping up.
- (5) Where a road has been stopped up under this section—
  - (a) all rights of way (or in the case of a road specified in Part 2 of schedule 3 all vehicular rights of way) over or along it shall be extinguished, and
  - (b) the authorised undertaker may appropriate and use for the purposes of its undertaking so much of the site of the road as is bounded on both sides by land owned by the authorised undertaker.

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- (6) Any person who suffers loss by the extinguishment or suspension of any private right of way under this section shall be entitled to compensation to be determined, in case of dispute, under the 1963 Act.
- (7) This section is subject to paragraph 2 of schedule 9.

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