



Edinburgh Tram (Line Two) Act 2006

2006 asp 6

PART 1

WORKS

Principal works powers

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,

Status: This is the original version (as it was originally enacted).

- (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.
- (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.