



Pow of Inchaffray Drainage Commission (Scotland) Act 2019

2019 asp 2

PART 4

FINAL PROVISIONS

25 Transitional

- (1) The Clerk appointed under the 1846 Act who was serving immediately before this Act receives Royal Assent is to continue as Clerk until replaced by the Commission.
- (2) Where this Act requires the giving of notice to a heritor at a time before the Register of Heritors has been prepared in accordance with section 16, the Commission is to give the notice to the person who, after reasonable enquiry, it believes to be the heritor.

26 Repeal of the 1846 Act

The 1846 Act is repealed.

27 Interpretation

In this Act—

“the 1846 Act” means the Pow of Inchaffray Drainage Act 1846,

“affected land” means land within six metres of the top of a bank of any part of the Pow,

“assessment year” means a period of 12 months commencing on 1 April in any year, the first assessment year commencing on the later of 1 April 2019 and the 1 April immediately following the date on which section 2 comes into force,

“associated works” has the meaning given by section 3(2),

“attend”, in the context of a meeting, includes attendance by telephone, by video conference or by such other electronic means as the Clerk may from time to time notify to heritors,

“benefited land” is the land drained by the Pow shown coloured on the land plans,

Status: This is the original version (as it was originally enacted).

“chargeable value” of a heritor’s land means the value calculated as provided in schedule 5,

“the Clerk” means, subject to section 25(1), the Clerk appointed in accordance with paragraph 3 of schedule 1,

“heritor” means an owner of any part of the benefited land,

“heritor’s land” means the benefited land owned by a heritor,

“heritor’s representative” has the meaning given in section 8,

“judicial rate” means the rate of interest from time to time prescribed by the Court of Session as being payable under a decree,

“the land plans” means the plans deposited in the Office of the Clerk of the Parliament on 3 May 2018 or such revised plans as the Commission may from time to time prepare in accordance with this Act,

“the Pow” has the meaning given by section 3(1),

“Register of Heritors” means the register maintained by the Commission in accordance with section 16,

“retail price index” means—

(a) the monthly index of retail prices (all items including mortgage interest rates) published by the Office for National Statistics, or

(b) in the absence of a monthly index of retail prices, an alternative comparable index determined by an expert appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland, or successor body, at the request of the Commission,

“section” of the benefited land means a section described in section 3(4) as shown on the land plans,

“serving Commissioner” means a Commissioner appointed under the 1846 Act who was serving as such immediately before this Act receives Royal Assent.

28 Commencement

- (1) This Act, except for section 2, comes into force on the day after Royal Assent.
- (2) Section 2 comes into force at the end of the period of three months beginning with the day of Royal Assent.

29 Short title

The short title of this Act is the Pow of Inchaffray Drainage Commission (Scotland) Act 2019.