



# Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004

2004 asp 10

## PART 2

### LAND

#### *Powers of acquisition*

#### **16 Rights in roads or public places**

- (1) The authorised undertaker may enter upon and appropriate so much of the subsoil of, or air-space over, any road or public place that is authorised to be compulsorily acquired under section 13 above as may be required for the purposes of the authorised works and may use the subsoil or air-space for those purposes.
- (2) The powers conferred by subsection (1) above may be exercised in relation to a road or place without the authorised undertaker being required to acquire any part of the road or place or any servitude or right in relation to it.
- (3) For the purposes of section 28 of the Land Registration (Scotland) Act 1979 (c. 33), subsection (1) above shall be taken to create a real right over the land referred to in that section without any necessity to record a deed in the Register of Sasines or to register the right.
- (4) Any person, who is an owner or occupier of land in respect of which the power of appropriation conferred by subsection (1) above is exercised without the authorised undertaker acquiring any part of that person's interest in the land, and who suffers loss by reason of the exercise of that power, shall be entitled to compensation, the amount of such compensation to be determined, in case of dispute, under the 1963 Act.
- (5) Subsection (2) above shall not apply in relation to—
  - (a) any subway or underground building; or
  - (b) any cellar, vault, arch or other construction in or on a road which forms part of a building fronting onto the road or place.