



# Waverley Railway (Scotland) Act 2006

## 2006 asp 13

### PART 1

#### WORKS, ETC.

##### *Works*

#### **9 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, stop up each of the roads specified in columns (1) and (2) of Part 1 of schedule 4 to this Act to the extent specified (by reference to the letters and numbers shown on the relevant Parliamentary plans) in column (3) of that Part.
- (2) No part of a road specified in Part 1 of schedule 4 to this Act in relation to which a substitute road is specified in column (4) of that Part shall be stopped up under this section until the substitute has been completed to the reasonable satisfaction of the roads authority and is open for public use.
- (3) No part of a road specified in Part 1 of schedule 4 to this Act in relation to which neither a substitute road nor an alternative is specified in column (4) of that Part shall be stopped up under this section unless all the land which abuts it falls within one or more of the following categories, namely—
  - (a) land to which there is no right of access directly from the road or part to be stopped up;
  - (b) land to which there is reasonably convenient access otherwise than directly from the road or part to be stopped up;
  - (c) land as respects which the owners and occupiers have agreed to the stopping up of the road or part; and
  - (d) land of which the authorised undertaker has taken possession under section 24(1) below.
- (4) Where any part of a road has been stopped up under this section—
  - (a) all rights of way over or along the stopped up part of the road shall be extinguished; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the authorised undertaker may, without making any payment, appropriate and use for the purposes of the authorised works so much of the site of the road as is bounded on both sides by land within the limits of deviation of the authorised works.
- (5) Any person who suffers loss by the extinguishment 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.