



# Edinburgh Tram (Line Two) Act 2006

## 2006 asp 6

### PART 1

#### WORKS

##### *Supplemental powers*

#### **16 Attachment of equipment to buildings for purposes of works**

- (1) Subject to the provisions of section 72 (Listed buildings and conservation areas) and the following provisions of this section, the authorised undertaker may affix to any building any brackets, cables, wires, insulators and other apparatus required in connection with the authorised works.
- (2) The authorised undertaker shall not affix any apparatus to a building without the written consent of the owner; and such consent may be given subject to reasonable conditions but shall not be unreasonably withheld.
- (3) But where—
  - (a) the authorised undertaker serves on the owner a notice requesting the owner's consent to the affixing of specified apparatus to the building, and
  - (b) the owner does not within a period of 28 days beginning with the date upon which the notice is served give consent unconditionally or give it subject to conditions or refuse it,consent shall be deemed to have been given without any conditions.
- (4) Where, in the opinion of the authorised undertaker, consent required under this section for the affixing of specified apparatus is unreasonably withheld or given subject to unreasonable conditions, it may refer the matter by summary application to the sheriff and the decision of the sheriff on the matter shall be final.
- (5) Where apparatus is affixed to a building under this section—
  - (a) the owner shall be entitled, where the removal of the apparatus is reasonably necessary during any reconstruction or repair of the building, on giving the authorised undertaker no less than 28 days' notice, to require the authorised undertaker, at the authorised undertaker's cost, to temporarily remove the apparatus,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the authorised undertaker shall have the right as against any person having an interest in the building to maintain the apparatus.
- (6) The authorised undertaker shall pay compensation to the owners and occupiers of the building for any loss or damage sustained by them by reason of the exercise of the powers conferred by subsections (1) and (5)(b); and any dispute as to a person's entitlement to compensation, or as to the amount of the compensation, shall be determined according to the 1963 Act.
- (7) In this section—
  - “building” includes any structure and a bridge or aqueduct; and
  - “owner” means the heritable proprietor of the building.