



Edinburgh Tram (Line Two) Act 2006

2006 asp 6

PART 2

LAND

Principal acquisition powers

25 Rights under or over roads

- (1) The authorised undertaker may enter upon and appropriate so much of the subsoil of, or air-space over, any road shown on the Parliamentary plans and described in the book of reference as may be required for the purposes of the authorised works and may use the subsoil and air-space for those purposes or any other purpose connected with or ancillary to its tramway undertaking.
- (2) The power under subsection (1) may be exercised in relation to a road without the authorised undertaker being required to acquire any part of the road or any servitude or other right in it.
- (3) The authorised undertaker shall not be required to pay compensation for the exercise of the powers conferred by subsection (1) where the road is a public road; but where the road is not a public road, any person suffering loss by the exercise of that power shall be entitled to compensation.
- (4) Subsections (2) and (3) 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.
- (5) For the purposes of section 28 (Interpretation) of the Land Registration (Scotland) Act 1979 (c. 33), the powers conferred by this section shall constitute a real right and shall be an overriding interest.