

# GLASGOW AIRPORT RAIL LINK ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Works

##### *Section 1 – Authority to construct works*

20. **Section 1** gives the specific statutory authority for the works which are required<sup>1</sup>. In the absence of this section the activities permitted by the Act would potentially be liable to challenge in the courts e.g. on the ground that the railway constituted a legal nuisance. Such an action could potentially result in an order preventing the nuisance by stopping the works (called an interdict). The protection of statutory authority is therefore important to the viability of the scheme because it allows the works to be constructed without the threat of legal challenge.
21. **Section 2** refers to the scheduled works as being within the limits of deviation shown on the Parliamentary plans. However, the precise position of the works may move (“deviate”) within those limits, in accordance with **section 4**.

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<sup>1</sup> *The need for such authority is explained in paragraph 12 of the Promoter’s Memorandum.*