

GLASGOW AIRPORT RAIL LINK ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Works

Section 9 – Temporary stopping up, alteration or diversion of roads

37. It will be necessary for the authorised undertaker during construction temporarily to stop up, alter, or divert roads. Precise details of the roads, timing and duration of closures will be developed as the scheme is designed. Subsection (1) will enable such temporary stoppings up by the authorised undertaker provided consent is obtained from the road works authority¹ under subsection (4). By subsection (5) consent could not be unreasonably withheld but could be given subject to conditions. Under subsection (6) disputes as to the reasonableness of any condition would be determined by arbitration unless the parties agree on an alternative form of disputes procedure. (**Section 35** provides for the way in which any arbiter is appointed.)
38. In addition to any condition imposed by the road works authority, the authorised undertaker will be obliged by subsection (2) to provide continued pedestrian access to premises² abutting on the temporarily stopped up road.
39. Five necessary temporary stoppings up have been identified at this stage as being required at the locations and for the purposes specified in **schedule 3**. For this reason subsection (3) authorises these temporary closures and, unlike the unspecified closures, subsection (4)(a) requires consultation with the road works authority but not consent.
40. If there is any suspension of a private right of way under this section compensation would be payable under the compensation code applied by the Act (see **paragraph 62**).

¹ *i.e. in the case of a public road, the roads authority for the road, and in the case of any other road the road managers (New Roads and Street Works Act 1991 (c.22), s.108(i)).*

² *“Premises” is used in its ordinary meaning i.e. places, landholdings (including buildings). Except where it is especially defined, as in some legislation, it is not a technical term. “Premises” is an ordinary word of the English language which takes colour and content from the context in which it is raised ... it has, in my opinion, no recognised and established primary meaning.” Maunsell v Olins [1975] 1 All ER 16 at 19, HL, per Viscount Dilhorne.*