

GLASGOW AIRPORT RAIL LINK ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Land

Compensation

Section 12 – Authority to acquire land

64. **Section 12(1)(a)** is the power for the authorised undertaker to acquire land within the limits of deviation. The land that may be acquired must be within those limits must be described¹ in the book of reference and it must be land that may be required for the purposes of the authorised works.
65. **Section 12(1)(b)** relates to the permanent outright acquisition of land within the limits of land to be acquired or used. The authorised undertaker is authorised to acquire the land within those limits if (a) it is specified in columns (1), (2) and (3) of Part 1 of **schedule 5** to the Act and (b) it may be required for the purposes specified in relation to that land in column (4). Part 1 of **Schedule 5** lists specific plots of land within the limits of land to be acquired or used and specifies against each entry the purpose for which the land may be acquired. This is only some of the land within the limits of land to be acquired or used. The rest of the land within those limits is not to be acquired permanently and is dealt with in separate sections of the Act².
66. **Section 12 (2)** provides specific protection to CGM (Oswald) Limited (company no. SC 190896) which occupies part of the land numbered 45 on sheet 19 of the Parliamentary plans. This provision prevents the authorised undertaker from compulsorily acquiring CGM (Oswald) Limited's leasehold interest in part of plot number 45 , except in relation to airspace occupied by any protective or strengthening works constructed under the powers conferred by the Act. This provision will enable the company to resume occupation of their property following completion of construction of the authorised works, whilst allowing the authorised undertaker to acquire ownership of any permanent protective or strengthening works constructed within the property. If the authorised undertaker did not have authority to acquire the airspace occupied by any of the protective or strengthening works, there would be nothing to prevent the tenant from removing them, which would affect the safe construction and operation of the railway.

¹ See paragraph 55 above.

² See sections 14, 15 and 16.