

GLASGOW AIRPORT RAIL LINK ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Land

Compensation

Section 29 – Parliamentary plans and book of reference: adjustments agreed with landowners and correction of errors

139. **Section 29** provides a procedure whereby owners of land as well as the authorised undertaker will be able to have binding agreements not to acquire land reflected in the plans and book of reference. It also provides for the authorised undertaker to correct an inaccurate description of any land or its ownership or occupation in the Parliamentary plans or the book of reference. Subsection (2), for which there are numerous precedents, is an extension of the procedure in **section 41** for certifying the book of reference and the Parliamentary plans and sections.
140. Where a binding obligation has been entered into not to acquire land within the limits of deviation or limits of land to be acquired or used, subsection (1) allows the owner of the land and the authorised undertaker to have the plans and book of reference altered to reflect the agreement. The owner or authorised undertaker must give 10 days notice as required by subsection (3) and may then apply to the sheriff. Subsection (3) provides that an authorised undertaker must give notice to the owner, lessee and occupier of the land in question and the owner must give notice to the authorised undertaker and any lessee or occupier.
141. For corrections to errors, the authorised undertaker must apply to the sheriff under subsection (2) giving notice of the application as required by subsection (3).
142. Subsection (4) enables a recipient of a notice to give a counter-notice in writing to dispute, in the case of an application under subsection (1), that the proposed amendment or addendum accurately reflects the obligation or, in the case of a notice under subsection (2), that there is an inaccuracy which may be amended under section 29. If a counter-notice is received, subsection (7) requires the sheriff to have a hearing before making a decision on the application.
143. Where no counter-notice is received, and the Sheriff is satisfied that the proposed amendment or addendum accurately reflects the obligation, or that the inaccuracy arose by mistake, the sheriff will certify that this is the case (subsection (5)). Where an application was for correction of an inaccuracy, the certificate shall state in what respect the matter was misstated or wrongly described. The certificate will then be deposited in the office of the Clerk to Parliament (subsection (8)) and the plans and book of reference shall be deemed to be corrected or amended according to the certificate (subsection (9)). Subsection (10) obliges the Clerk to keep the certificate with the plans and book of reference to which it relates.
144. Subsection (12) defines sheriff as the sheriff for the area in which the land is situated.

*These notes relate to the Glasgow Airport Rail Link Act 2007
(asp 1) which received Royal Assent on 15 January 2007*

145. The purpose of the section is to ensure that binding obligations not to acquire land may be recorded by either party and that implementation of the Act (when passed) is not prevented by mistaken misdescriptions. The Act authorises the compulsory acquisition of land as shown on the Parliamentary plans and described in the book of reference. A minor mistake in a description in one document might result in it being inconsistent with the other, which might in turn prevent proper identification of land to be compulsorily acquired. In the absence of this procedure to correct the position, the compulsory purchase powers in the Act could not be used in relation to that land. Subsection (11) ensures that this provision cannot be used to bring in further land which was not identified on either the original plans or the book of reference.