



Edinburgh Airport Rail Link Act 2007

2007 asp 16

PART 1

WORKS, ETC.

Works

7 **Construction and maintenance of new or altered roads**

- (1) Each of Works Nos. 2C, 2J, 2K, 4H, 4J, 4M, 4P, 5B, 5C, 5E to 5H, 5J, 5K, 5P and 5R and so much of Work No. 4T as is situated in plots nos. 421b, 422a and 413b shall, unless otherwise agreed, be completed to the reasonable satisfaction of the roads authority.
- (2) Following such completion the work shall, unless otherwise agreed between the authorised undertaker and the roads authority, be maintained by and at the expense of the authorised undertaker for a period of 12 months from its completion.
- (3) Subject to subsection (7), at the expiry of the period during which the authorised undertaker is liable to maintain any work under subsection (2), the work and its associated land shall by virtue of this section vest in the roads authority.
- (4) The authorised undertaker shall give the roads authority notice in writing with a certificate that any authorised work to which subsection (3) applies is complete.
- (5) The roads authority may, within 21 days after such service, give the authorised undertaker a counter-notice in writing that the notice is disputed on the ground that the road is not complete.
- (6) Any dispute as to the completion of a road shall be determined by arbitration, and the determination of the arbiter (or other person to whom the dispute is referred) shall be final and binding.
- (7) Any road or associated land which is the subject of a notice under subsection (4) shall vest—
 - (a) 28 days after the service of the notice;
 - (b) on the date of a determination under subsection (6) that the road is complete;

Changes to legislation: There are currently no known outstanding effects for the Edinburgh Airport Rail Link Act 2007, Section 7. (See end of Document for details)

- (c) on the date on which the authorised undertaker complies with any conditions for completion that are specified in the determination; or
 - (d) on the expiry of the period specified in subsection (3),
- whichever is the latest.
- (8) A certificate issued by or on behalf of the authorised undertaker as to the date on which the authorised undertaker complied with any conditions of the sort referred to in subsection (7)(c) together, if so requested by the roads authority, with a report from a consultant to be agreed between the authorised undertaker and the roads authority confirming such compliance, shall for the purposes of this section be conclusive evidence of such compliance.
- (9) Nothing in this section shall prejudice the operation of section 146 of the 1991 Act (which enables the local roads authority to declare that a road shall become a public road); and the authorised undertaker shall not by reason of any duty under this section to maintain a road be taken to be the roads authority in relation to that road for the purposes of Part IV of that Act.
- (10) Nothing in this section shall have effect in relation to road works as respects which the provisions of Part IV of the 1991 Act apply.

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