



# Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

## PART 2

### LAND

#### *Powers of acquisition*

#### **18 Acquisition of subsoil or rights**

- (1) In exercise of the powers conferred by section 17 the authorised undertaker may, as regards any land authorised to be acquired under that section, compulsorily acquire—
  - (a) so much of the subsoil of the land; or
  - (b) such servitudes or other rights in, on or over the land,as may be required for any purpose for which the land may be acquired under that section.
- (2) Servitudes and other rights may be acquired under subsection (1) by creating them as well as by acquiring servitudes and other rights already in existence.
- (3) Section 90 of the 1845 Lands Act and paragraph 20 of Schedule 15 to the 1997 Act (which provide in certain circumstances for the owner of the land to require the purchase of the whole rather than part of that property) shall not apply to any compulsory acquisition under this section or under section 19.
- (4) Subject to subsections (5) and (6), the Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory acquisition of new rights under this section or under section 19 as they apply to the compulsory acquisition of land.
- (5) As so having effect, references in those Acts to land shall be treated as, or as including, references to new rights or to the land over which new rights are to be exercisable.
- (6) Section 61 of the 1845 Lands Act (estimation of purchase money and compensation) shall apply to the compulsory acquisition of such a right as if for the words from “value” to “undertaking” there were substituted the words “extent (if any) to which

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*Status: This is the original version (as it was originally enacted).*

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the value of the land in or over which the right is to be acquired is depreciated by the acquisition of the right”.