



Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

PART 1

WORKS, ETC.

Works

7 Vesting of private accesses

- (1) Subject to subsections (3) and (8), on completion of each of the private accesses specified in columns (1) and (2) of Part 3 of schedule 11 to this Act, the private access and its associated land shall, if they are vested in the authorised undertaker, by virtue of this section vest in the intended owner.
- (2) Any vesting effected by subsection (1) shall be subject to such rights specified by the authorised undertaker as may be requisite to reflect public or private rights in any access for which the private access is a substitute.
- (3) The extent of the private access vested by virtue of subsection (1)—
 - (a) shall not include—
 - (i) any structure specified in column (3) of Part 3 of schedule 11 to this Act; or
 - (ii) any operational land held by Network Rail; and
 - (b) shall be subject to any determination by the authorised undertaker.
- (4) Following completion of the structures specified in column (3) of Part 3 of schedule 11 to this Act, those structures shall vest in Network Rail (if not already so vested).
- (5) The authorised undertaker shall give every person in whom it intends to vest any access or associated land under this section not less than 28 days' notice in writing specifying—
 - (a) the private access or associated land that is to be vested;
 - (b) details of any other person in whom that access or land is to be vested; and

- (c) details of any rights to which the access or land is to be subject and of every person who has or will have such rights, together with a certificate that the access is complete.
- (6) A person on whom a notice is served under subsection (5) may, within 21 days after such service, give the authorised undertaker a counter-notice in writing that the notice is disputed on the grounds that—
 - (a) the person on whom the notice has been served is not such a person as is described in subsection (10);
 - (b) the access is not complete; or
 - (c) any rights specified under subsection (5)(c) are not such as described in that subsection.
- (7) Any dispute as to whether a person is such a person as is described in subsection (10), as to the completion of a private access or as to whether rights specified in a notice are such as described in subsection (5)(c) 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.
- (8) Any private access or associated land which is the subject of a notice under subsection (5) shall vest—
 - (a) 28 days after the service of notice under subsection (5);
 - (b) on the date of a determination under subsection (7) that the person on whom the notice has been served is such a person as is described in subsection (10) and that the access is complete;
 - (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 completion of the access as provided by subsection (1),whichever is the latest.
- (9) 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 (8)(c) shall for the purposes of this section be conclusive evidence of such compliance.
- (10) In this section “intended owner” means a person or persons identified by the authorised undertaker to become the owner of a private access constructed under this Act as being—
 - (a) the owner of the private access for which the private access being vested is a substitute; or
 - (b) the owner of land that is served by the private access.