



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 1

#### ORDERS AUTHORISING WORKS ETC.

##### *Miscellaneous*

#### **19 Acquisition of land by agreement**

- (1) Subject to subsection (4), a promoter may acquire land by agreement if—
  - (a) the enjoyment of it is seriously affected by—
    - (i) the carrying out of works authorised by an order under section 1, or
    - (ii) the operation of a transport system or inland waterway authorised by such an order, and
  - (b) the interest of the seller is a qualifying interest.
- (2) A promoter who proposes to carry out on relevant land works authorised by an order under section 1 may acquire land by agreement if—
  - (a) the enjoyment of it will be seriously affected by—
    - (i) the carrying out of the works, or
    - (ii) the operation of the transport system or inland waterway to which the works relate, and
  - (b) the interest of the seller is a qualifying interest.
- (3) An interest is a qualifying interest for the purposes of subsections (1) and (2) if it is an interest such as is mentioned in subsection (2) of section 100 of the 1997 Act (interests qualifying for protection under blight provisions), references in that section to the date of service of a notice under section 101 of that Act being taken, for those purposes, to be references to the date on which the agreement for the acquisition is made.
- (4) The power conferred by—
  - (a) subsection (1)(a)(i) is not exercisable unless the agreement for the acquisition is made before the date on which operation of the transport system or inland waterway to which the works relate commences, and
  - (b) subsection (1)(a)(ii) is not exercisable unless the agreement for the acquisition is made no later than one year after that date.

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*Changes to legislation: There are currently no known outstanding effects for the  
Transport and Works (Scotland) Act 2007, Section 19. (See end of Document for details)*

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- (5) This section applies only where a promoter would not, apart from this section, have power to acquire land as mentioned in subsections (1) and (2).
- (6) In this section—
- “the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 (c. 8),
  - “promoter” means any person authorised by an order under section 1 to carry out works or operate a transport system or inland waterway,
  - “relevant land” means land such as is mentioned in Schedule 14 to the 1997 Act.
- (7) In the Land Compensation (Scotland) Act 1973 (c. 56)—
- (a) at the end of section 24(6) (acquisition of land in connection with public works) add “ or authorised by an order under section 1 of the Transport and Works (Scotland) Act 2007 ”, and
  - (b) at the end of section 25(5) (execution of works in connection with public works) add “ or any works authorised by an order under section 1 of the Transport and Works (Scotland) Act 2007 ”.

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**Modifications etc. (not altering text)**

- C1** Ss. 16-21 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), ss. [52\(2\)\(3\)](#), [70\(1\)](#)
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**Commencement Information**

- I1** S. 19 in force at 28.12.2007 by [S.S.I. 2007/516](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 19.