

These notes relate to the Forth Crossing Act 2011 (asp 2) which received Royal Assent on 20 January 2011

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Powers to Enter and Use Land

Section 46 – Suspension of real burdens and servitudes etc.

154. Section 106 of the [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#) provides for the extinguishment of real burdens and servitudes etc. on the permanent compulsory acquisition of land but not where the occupation is temporary. To ensure that the Forth Crossing works are not compromised by existing servitudes, real burdens or development management schemes [section 46](#) provides that these rights are unenforceable or disapplied in respect of land under [section 37](#) or [39](#) for the period of possession. A definition is provided within [section 46](#) for the period of possession over which servitudes, burdens or development management are unenforceable or disapplied.