

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

The A9 Trunk Road (Pitlochry to Killiecrankie) (Extinguishment of Public Right of Way) Order 201[]

Made 201[]

Coming into force 201[]

The Scottish Ministers make the following Order in exercise of the powers conferred by section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) and all other powers enabling them to do so.

In accordance with section 3(1) of that Act, they are satisfied that suitable alternative rights of way will be provided, or that the provision of an alternative right of way is not required.

They have complied with all other provisions of section 3 of that Act.

Citation, commencement and interpretation

1. This Order may be cited as the A9 Trunk Road (Pitlochry to Killiecrankie) (Extinguishment of Public Right of Way) Order 201[] and comes into force on [].
2. The schedule of this Order has effect.

Extinguishment of public right of way

3. The extinguishment of the public right of way described in Part 1 of the schedule is hereby ordered when the related new public right of way described in Part 2 of the schedule, which the Scottish Ministers consider is a suitable alternative, has been provided.

(a) 1947 c.42. Section 3 was amended by the Town and Country Planning (Scotland) Act 1947 (c.53), schedule 8; the Telecommunications Act 1984 (c.12), section 109, schedule 4, paragraph 23, schedule 5, paragraph 45; the Civil Aviation Act 1982 (c.16), schedule 15, paragraph 2 and also by S.S.I 1999/1820. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Statutory Undertakers

4. Where immediately before the date on which the foregoing public right of way is extinguished under this Order there is on, over or under that public right of way any apparatus belonging to a statutory undertaker, such statutory undertaker's rights in respect of such apparatus shall be preserved.

M.F. RENNIE

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

201[]

SCHEDULE
INTERPRETATION

Articles 2 & 3

In this schedule –

“the plan” means the plan entitled “The A9 Trunk Road (Pitlochry to Killiecrankie) (Extinguishment of Public Right of Way) Order 201[]”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF;

“point A1” means the northern corner of the building known as 1 Middleton of Fonab Cottages, Pitlochry, PH16 5ND.

PART 1

PUBLIC RIGHT OF WAY TO BE EXTINGUISHED

1. The public right of way, from a point 140 metres or thereby south, south-west of point A1 in a generally north, north-easterly then east, north-easterly direction for a distance of 240 metres or thereby to a point 65 metres or thereby north-east of point A1 as shown by black and white hatching between points marked “A” and “B” and numbered “1” on the plan.

PART 2

ALTERNATIVE PUBLIC RIGHT OF WAY TO BE PROVIDED

2. An alternative right of way will be provided from a point 140 metres or thereby south, south-west of point A1 in a generally northerly then west, north-westerly then north, north-easterly, direction for a distance of 235 metres or thereby to a point 135 metres or thereby west, north-west of point A1 as shown by stipple between points marked “C” and “D” and numbered “2” on the plan.