

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

The A9 Trunk Road (Crubenmore to Kinraig) (Extinguishment of Public Rights 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 (Crubenmore to Kinraig) (Extinguishment of Public Rights 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 rights of way described in Part 1 of the schedule are hereby ordered when the related new public rights of way described in Part 2 of the schedule, which the Scottish Ministers consider are suitable alternatives, have been provided.

Statutory Undertakers

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

Subscribed by _____ being an officer of the Scottish Ministers at Glasgow on the []
day of [] 201[] before this witness _____, Buchanan House, 58 Port Dundas Road,
Glasgow G4 0HF.

Witness

(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).

SCHEDULE

Articles 2 & 3

INTERPRETATION

In this schedule—

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

“point 1” means the north-western corner of the property known as Ruthven Cottage, Kingussie, PH21 1ES shown marked “point 1” on the plan.

PART 1

PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED

5. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 795 metres or thereby west, south-west of point 1 in a generally northerly direction for a distance of 30 metres or thereby to a point 785 metres or thereby west, south-west of point 1 as shown by black and white hatching between points marked “point A” and “point B” and numbered “1” on the plan.

6. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 670 metres or thereby west, south-west of point 1 in a generally north-easterly direction for a distance of 55 metres or thereby to a point 625 metres or thereby west, south-west of point 1 as shown by black and white hatching between points marked “point C” and “point D” and numbered “2” on the plan.

7. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 220 metres or thereby west, north-west of point 1 in a generally easterly then south-easterly then north-easterly, then easterly direction for a distance of 120 metres or thereby to a point 130 metres or thereby north-west of point 1 as shown by black and white hatching between points marked “point E” and “point F” and numbered “3” on the plan.

PART 2

ALTERNATIVE PUBLIC RIGHTS OF WAY TO BE PROVIDED

8. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 795 metres or thereby west, south-west of point 1 in a generally east, north-easterly direction for a distance of 770 metres or thereby to a point 105 metres or thereby north-west of point 1 as shown by stipple between points marked “point G” and “point H” and numbered “4” on the plan.

9. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 130 metres or thereby north-west of point 1 in a generally north-westerly then west, south-westerly direction for a distance of 110 metres or thereby to a point 225 metres or thereby north-west of point 1 as shown by stipple between points marked “point I” and “point J” and numbered “5” on the plan.