

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

The A9 Trunk Road (Tomatin to Moy) (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 a suitable alternative right of way will be provided, or that the provision of an alternative right of way is not required.

They have complied with the provisions of section 3 of that Act.

Citation, commencement and interpretation

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

Extinguishment of public rights of way

3. The extinguishment of the public right of way specified in Part 1 of the schedule is hereby ordered when the new public right of way described in Part 2 of the schedule, which the Scottish Ministers consider is a suitable alternative, has been provided.
4. The extinguishment of the public rights of way specified in Part 3 of the schedule are hereby ordered for which the provision of an alternative public right of way is not required.

Statutory undertakers

5. 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.

(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 section 53 of the Scotland Act 1998 (c.46).

Subscribed by
day of 201[] before this witness
Dundas Road, Glasgow, G4 0HF.

being an officer of the Scottish Ministers at Glasgow on
, Buchanan House, 58 Port

SCHEDULE

Article 2

INTERPRETATION

In this schedule:-

“the plan folio” means the plan folio entitled the A9 Trunk Road (Tomatin to Moy) (Extinguishment of Public Rights 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 1” means the westernmost corner of the building known as Moybeg Cottage, Moy, Tomatin, Inverness, IV13 7YE, shown marked “Point 1” on plan ROW1 in the plan folio; and

“Point 2” means the centre of the ‘Rout of Moy’ memorial cairn, shown marked “Point 2” on plans ROW2 and ROW3 in the plan folio.

Part 1

Article 3

PUBLIC RIGHT OF WAY TO BE EXTINGUISHED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 135 metres or thereby south, south-east of Point 2 in a generally north, north-westerly then west, north-westerly then north, north-westerly direction for a distance of 870 metres or thereby to a point 715 metres or thereby north-west of Point 2 as shown by black and white hatching between points marked “E” and “F” on plan ROW2 in the plan folio.

Part 2

Article 3

ALTERNATIVE RIGHT OF WAY TO BE PROVIDED

1. An alternative right of way will be provided from a point 130 metres or thereby south, south-east of Point 2 in a generally northerly then north-westerly then west, north-westerly then north-westerly then north, north-westerly then north, north-easterly then north-westerly then northerly direction for a distance of 870 metres or thereby to a point 710 metres or thereby north-west of Point 2 as shown by stipple hatching between points marked “G” and “H” on plan ROW3 in the plan folio.

**PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED FOR WHICH AN
ALTERNATIVE IS NOT REQUIRED**

1.The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 95 metres or thereby south, south-west of Point 1 in a generally southerly then south-easterly direction for a distance of 35 metres or thereby to a point 110 metres or thereby south, south-west of Point 1 as shown by black and white hatching between points marked “A” and “B” on plan ROW1 in the plan folio.

2. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 125 metres or thereby south-west of Point 1 in a generally north-westerly then south-westerly direction for a distance of 50 metres or thereby to a point 145 metres or thereby south-west of Point 1 as shown by black and white hatching between points marked “C” and “D” on plan ROW1 in the plan folio.