

2018 No.

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

**The A9 Trunk Road (Dalraddy to Slochd) (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 (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 201[] and comes into force on [].

2. The definitions in the schedule of this Order have 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.

(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).

Witness

Buchanan House
Glasgow

201[]

A member of the staff of the Scottish Ministers

SCHEDULE 1

Articles 2 and 3

INTERPRETATION

In these schedules—

“the plan folio” means the plan folio comprised of the legend and the plans ROW1, ROW2 and ROW3 and entitled “The A9 Trunk Road (Dalraddy to Slochd) (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 A1” means the southern-most corner of the building known as Lynwilg Gardeners Cottage, A9, Aviemore PH22 1PZ;

“Point A2” means the north-western-most corner of the building known as Balnabruich, Aviemore, PH22 1QD; and

“Point A3” means the northern-most corner of the building known as Ryna-Clarsach, Carrbridge, PH23 3AY.

PART 1

PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 525 metres or thereby east of Point A1 in a generally north-easterly, then north, north-easterly, then north-westerly, then north, north-easterly direction for a distance of 840 metres or thereby to a point 1200 metres or thereby east, north-east of Point A1 as shown by black and white hatching between points marked “Point A” and “Point B” and numbered “1” 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 190 metres or thereby west, north-west of Point A2 in a generally east, south-easterly direction for a distance of 240 metres or thereby to a point 40 metres or thereby east of Point A2 as shown by black and white hatching between points marked “Point C” and “Point D” and numbered “2” on plan ROW2 in the plan folio.

3. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 1690 metres or thereby north, north-west of Point A5 in a generally north-easterly direction for a distance of 43 metres or thereby to a point 1695 metres or thereby north-west of Point A5 as shown by black and white hatching between points marked “Point E” and “Point F” and numbered “3” on plan ROW3 in the plan folio.

PART 2

ALTERNATIVE PUBLIC RIGHTS OF WAY TO BE PROVIDED

1. An alternative right of way will be provided from a point 525 metres or thereby east of Point A1 in a generally east, north-easterly, then north, north-easterly, then westerly direction for a distance of 830 metres or thereby to a point 1200 metres or thereby east, north-east of Point A1 as shown by stipple between points marked “Point A” and “Point B” and numbered “4” on plan ROW1 in the plan folio.

2. An alternative right of way will be provided from a point 190 metres or thereby west, north-west of Point A2 in a generally west, north-westerly, then north-easterly, then northerly then east, north-easterly, then south-easterly, then north-easterly, then east, south-easterly, then south, south-westerly direction for a distance of 2,440 metres or thereby to a point 40 metres or thereby east of Point A2 as shown by stipple between points marked “Point C” and “Point D” and numbered “5” on plan ROW2 in the plan folio.

3. In alternative right of way will be provided from a point 1690 metres or thereby north, north-west of Point A5 in a generally north-westerly, then north-easterly, then south-easterly, then north-easterly, then south-easterly direction for a distance of 930 metres or thereby to a point 1695 metres or thereby north-west of Point A5 as shown by stipple between points marked “Point E” and “Point F” and numbered “6” on plan ROW3 in the plan folio.