

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

**The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass))
(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. (1) This Order may be cited as the A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (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

2. 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.

(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

3. 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)

SCHEDULE
INTERPRETATION

Articles 1 and 2

In this Schedule —

“the plan folio” means the plan entitled “The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (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 X” means the south-eastern corner of the property known as Balnaspirach House, Nairn, IV12 5NY; and

"point Y" means the south-western corner of the building known as Drumduan Mill, Nairn, IV12 5JU.

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 south south-east of point X in a generally north-westerly direction for a distance of 410 metres or thereby to a point 160 metres or thereby south of point X 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 125 metres or thereby south of point Y in a generally south south-easterly direction for a distance of 155 metres or thereby to a point 275 metres or thereby south south-east of point Y 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.

PART 2

ALTERNATIVE RIGHTS OF WAY TO BE PROVIDED

1. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 240 metres or thereby south of point X in a generally northerly, then north-westerly direction for a distance of 100 metres or thereby to a point 145 metres south of point X as shown by stipple between points marked “point E” and “point F” and numbered “3” on plan ROW1 in the plan folio.
2. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 125 metres or thereby south of point Y in a generally east north-easterly, then east south easterly, then east north easterly, then southerly, then westerly, then west south-westerly direction for a distance of 700 metres or thereby to a point 280 metres south south-east of point Y as shown by stipple between points marked “point G” and “point H” and numbered “4” on plan ROW2 in the plan folio.