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Ask for Graeme Forrester

Our Ref: GF

Date: 9th February 2015

Public Petitions Clerks
The Scottish Parliament

Dear Sirs

CONSIDERATION OF PUBLIC PETITION PE1523

I write in response to your letter of 10th December 2014 addressed to Robert macintyre as Chair of Argyll and Bute Council's Bute and Cowal Area Committee and ask that you accept my apologies for the delay in responding to you.

You ask in your letter if the effect of the 1969 decision by Argyll County Council that the area would cease to be a public highway and how the land was then returned to private ownership could be explained.

Having consulted Argyll and Bute Council's Legal department, I advise that it is the understanding of Argyll and Bute Council that on the stopping up being made the provisions of Section 43 of the Roads and Bridges (Scotland) Act 1878 applied, which provide that:

'the ground occupied by any road which has been shut up in terms of this section shall fall and belong to the person or persons whose lands immediately adjoin thereto, and from whom or his or their predecessors or predecessors the ground so occupied was acquired without payment'.

The provisions of section 43 would have the effect of vesting ownership of the ground accordingly.

I hope that the above assists the Committee with its considerations.

Yours faithfully

Graeme B. Forrester
Area Committee Manager