



British Railways (No. 2) Order Confirmation Act 1994

1994 CHAPTER ii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to British Railways (No. 2). [24th March 1994]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Confirmation of Order in Schedule

The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

2 Short title

This Act may be cited as the British Railways (No. 2) Order Confirmation Act 1994.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULE

BRITISH RAILWAYS (NO. 2)

Provisional Order to empower the British Railways Board to construct works and to purchase or use land; to confer further powers on the Board; and for connected purposes.

WHEREAS—

- (1) It is the duty of the British Railways Board (hereinafter referred to as “the Board”) under the Transport Act 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:
- (2) It is expedient that the Board should be empowered to construct in the Central Region the works authorised by this Order and to purchase or use the land referred to in this Order and that the other provisions in this Order contained should be enacted:
- (3) A plan and section showing the line or situation and levels of the work to be constructed under this Order, and a plan of the lands authorised to be purchased or used by this Order, and a book of reference to that plan containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the sheriff clerk of the sheriff court district of Alloa, which plan, section and book of reference are respectively referred to in this Order as the deposited plan, the deposited section and the deposited book of reference:
- (4) The purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the last-mentioned Act, the Secretary of State orders as follows:—

PART I

PRELIMINARY

Short title

- 1 This Order may be cited as the British Railways (No. 2) Order 1994.

Interpretation

- 2 (1) In this Order, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have the same respective meanings; and—
 - “the Act of 1845” means the Railways Clauses Consolidation (Scotland) Act 1845;
 - “the Act of 1991” means the New Roads and Street Works Act 1991;
 - “the Board” means the British Railways Board;

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“enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the limit of deviation” means the limit of deviation shown on the deposited plan;

“road” has the meaning assigned to it by section 107 of the Act of 1991;

“the sheriff” means the sheriff principal of, or any sheriff appointed for, the Sheriffdom of Tayside, Central and Fife;

“the tribunal” means the Lands Tribunal for Scotland;

“the works” means the works authorised by Part II (Works, etc.) of this Order; and

“Work No. 1” means the work of that number authorised by section 4 (Power to make railway) of this Order.

- (2) Except in relation to section 6 (Power to deviate) of this Order, all directions, distances and lengths stated in any description of works, powers or lands in this Order shall be construed as if the words “or thereby” were inserted after each such direction, distance and length.

Incorporation of enactments.

- 3 (1) The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with this Order, and this Order shall be deemed to be the special Act for the purposes of the said incorporated enactments:—
- (a) the Lands Clauses Acts, except sections 120 to 124 and section 127 of the Lands Clauses Consolidation (Scotland) Act 1845;
 - (b) the Act of 1845, except sections 1, 7, 8, 9, 17, 19, 20, 22 and 23 thereof; and
 - (c) in the Railways Clauses Act 1863, Part I (relating to construction of a railway) except sections 13, 14, 18 and 19 thereof.

- (2) (a)

In the application of the enactments incorporated by subsection (1) (b) and (c) above the expression “the company” means the Board.

- (b) Sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of Part IV of the Act of 1991 or by section 27 (For protection of electricity, gas, water and sewerage undertakers) of this Order.

PART II

WORKS, ETC.

Works

Power to make railway

- 4 Subject to the provisions of this Order, the Board may, in the line or situation and within the limit of deviation shown on the deposited plan and according to the

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levels shown on the deposited section, make and maintain the following work in the Clackmannan District, Central Region, with all necessary works and conveniences connected therewith:—

(Railway between Cambus and Alloa)

Work No. 1—The railway (3,530 metres in length), being a reinstatement of part of the former Stirling to Dunfermline Railway, commencing at Cambus by a junction with the Stirling to Menstrie Railway at a point 14 metres north-west of Station Road and terminating at Alloa at a point on the former Stirling to Dunfermline Railway 142 metres east of the bridge carrying the footpath known as Station Bridge over the site of the last-mentioned railway.

Level crossings of Station Road, Cambus, and Grange Road, Alloa

5 (1) In this section—

“the level crossings” means the level crossings provided under subsection (2) below, or either of them; and

“traffic sign” has the same meaning as in the Road Traffic Regulation Act 1984.

(2) The Board may in the construction of Work No. 1 provide level crossings comprising a single line of railway across and on the level of—

(a) Station Road, Cambus; and

(b) Grange Road, Alloa;

(which roads are respectively numbered on the deposited plan 3 and 5 in the Clackmannan District), but shall not be required to erect or maintain a station or lodge thereat.

(3) (a)

The Board may, with the consent in writing of the Secretary of State and subject to such requirements as he may from time to time lay down, provide, maintain and operate at or near the level crossings such barriers, lights, traffic signs, and automatic or other devices and appliances as may be approved by the Secretary of State.

(b) So long as the consent referred to in paragraph (a) above continues in force, the provisions (in so far as they are inconsistent with any such consent) of the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation Act 1842, section 40 of the Act of 1845 and section 6 of the Railways Clauses Act 1863 shall not apply to the level crossings.

(c) Section 65 (1) of the Road Traffic Regulation Act 1984 (placing of traffic signs by highway authorities) shall have effect with respect to the erection and display of a traffic sign by the Board as if it were a traffic sign erected and displayed by a traffic authority within the meaning of that Act.

Power to deviate

6 (1) In the construction of Work No. 1, the Board may—

(a) deviate from the line or situation thereof shown on the deposited plan to the extent of the limit of deviation; and

(b) subject to subsection (2) below, deviate vertically from the levels shown on the deposited section to any extent not exceeding 1 metre upwards or downwards.

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- (2) Subsection (1)(b) above shall not apply to the construction of Work No. 1 across and on the level of Station Road, Cambus, and Grange Road, Alloa.

Station works at Alloa

- 7 In the construction of Work No. 1, the Board may—
- (a) on any part of the land numbered on the deposited plan 16, 17, 20 and 21 in the Clackmannan District which lies within the line marked “Limit of station works” on the deposited plan make, maintain and operate a station at Alloa for the purposes of serving that work, with all necessary works and conveniences connected therewith; and
 - (b) form and lay out means of pedestrian access at the point marked “A” on the deposited plan from and to Station Bridge to and from that station.

General works provisions

Temporary stoppage of roads

- 8 (1) The Board, during and for the purpose of the execution of Work No. 1, may temporarily stop up and divert and interfere with the specified roads, or either of them, and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the specified roads, or either of them, from passing along and using the same.
- (2) The Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.
- (3) (a)
- The Board shall not exercise the powers of this section without the consent of the road works authority.
- (b) Any such consent may be given subject to such reasonable conditions as the road works authority may require but shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld or whether any such condition is reasonable shall be determined by arbitration.
- (4) In this section—
- “the specified roads” means so much of Station Road, Cambus, and Grange Road, Alloa, as is numbered on the deposited plans 3 and 5, respectively, in the Clackmannan District; and
- “road works authority” has the meaning assigned to it by section 108 of the Act of 1991.

Underpinning of buildings near works

- 9 The Board at their own expense may, subject as hereinafter provided, underpin or otherwise strengthen any building within 30 metres of any part of the works and the following provisions shall have effect:—