



British Railways Order Confirmation Act 1994

1994 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to British Railways. [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 Order Confirmation Act 1994.

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BRITISH RAILWAYS

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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 other purposes.

WHEREAS—

- (1) By the Transport Act 1962 the British Railways Board (hereinafter referred to as the “the Board”) were established:
- (2) It is the duty of the Board under the said Act of 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:
- (3) It is expedient that the Board should be empowered to construct in the Strathclyde 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:

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- (4) Plans and sections showing the lines or situations and levels of the works to be constructed under this Order, and plans of the lands authorised to be purchased or used by this Order, and a book of reference to those plans 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 clerks of the sheriff court districts of Ayr and of Glasgow and Strathkelvin, which plans, sections and book of reference are respectively referred to in this Order as the deposited plans, the deposited sections and the deposited book of reference:
- (5) 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 Short title

This Order may be cited as the British Railways Order 1994.

Interpretation

2 Interpretation

- (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;
 - “enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
 - “the limits of deviation” means the limits of deviation shown on the deposited plans;
 - “the regional council” means the Strathclyde Regional Council;
 - “road” has the meaning assigned to it by section 107 of the Act of 1991;
 - “road works authority” has the meaning assigned to it by section 108 of the Act of 1991;
 - “the sheriff” means the sheriff principal of, or any sheriff appointed for, the Sheriffdom of South Strathclyde, Dumfries and Galloway or the Sheriffdom of Glasgow and Strathkelvin, as the case may be;
 - “the tribunal” means the Lands Tribunal for Scotland; and

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

- (2) Except in relation to section 5 (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 and distances between points on a railway shall be taken to be measured along the railway.
- (3) Any reference in this Order to a work identified by the number of that work shall be construed as a reference to the work of that number authorised by this Order.
- (4) References in this Order to points identified by letters shall be construed as references to the points so lettered on the deposited plans.
- (5) References in this Order to access to any place shall include reference to egress from that place.

Incorporation of enactments

3 Incorporation of enactments

- (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 30 (For protection of electricity, gas and water undertakers) of this Order.

PART II

WORKS, ETC.

Works

Power to make works

4 Power to make works

Subject to the provisions of this Order, the Board may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the