



British Railways Act 1992

1992 CHAPTER i

An Act to empower the British Railways Board to construct works and to acquire land; to confer further powers on the Board; and for other purposes. [13th February 1992]

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) By the Channel Tunnel Act 1987 the powers of the Board were extended with respect to the carriage of goods and passengers by rail to or from Great Britain and the operation of railway services through the tunnel system authorised by that Act:
- (3) It is expedient that the Board should be empowered to construct the works authorised by this Act and to purchase or use the land referred to in this Act:
- (4) It is expedient that the other powers in this Act contained should be conferred on the Board, and that the other provisions in this Act contained should be enacted:
- (5) Plans and sections showing the lines or situations and levels of the works to be constructed under this Act, and plans of the land authorised to be purchased or used by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said land 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 proper officers of the councils of the county and London boroughs within which the said works may be constructed or the said land is situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:
- (6) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it 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:—

Status: This is the original version (as it was originally enacted).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

PART I

PRELIMINARY

1 Short title

This Act may be cited as the British Railways Act 1992.

2 Interpretation

- (1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have, in relation to the related subject-matter, the same respective meanings; and—
- “the Act of 1845” means the Railways Clauses Consolidation Act 1845;
 - “the Act of 1965” means the Compulsory Purchase Act 1965;
 - “the authorised works” means the works authorised by this Act;
 - “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; and
 - “the tribunal” means the Lands Tribunal.
- (2) All directions, distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” 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 Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.
- (4) References in this Act to points identified by letters, with or without numbers, shall be construed as references to the points so marked on the deposited plans.
- (5) References in this Act to access to any place shall include reference to egress from that place.

3 Incorporation of general enactments

- (1) The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with this Act, are incorporated with this Act, and this Act shall be the special Act for the purposes of the said incorporated enactments:—
- (a) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 15, 17, 19, 20, 22 and 23 thereof; and
 - (b) in the Railways Clauses Act 1863, Part I (relating to the construction of a railway), except sections 13 to 19 thereof.
- (2) For the purposes of the enactments incorporated in subsection (1) above the expression “the company” where used in those enactments means the Board.
- (3) Sections 18 and 21 of the Act of 1845, as incorporated by subsection (1) above, 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—

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

- (i) until the commencement of Part III of the New Roads and Street Works Act 1991, by the provisions of Part II of the Public Utilities Street Works Act 1950 or, on the commencement of Part III of the said Act of 1991, by the provisions of that Part of that Act; or
- (ii) section 32 (For protection of electricity, gas and water undertakers) of this Act.

4 Application of Part I of Compulsory Purchase Act 1965

- (1) Part I of the Act of 1965 (except section 4 thereof and paragraph 3 (3) of Schedule 3 thereto), so far as it is applicable for the purposes of and is not inconsistent with this Act, shall apply to the compulsory purchase of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.
- (2) In section 11 (1) of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than 14 days' notice), as so applied, for the words “fourteen days”, there shall be substituted “three months”.
- (3) The Lands Clauses Consolidation Act 1845 shall not apply to the purchase of land under this Act.

PART II

WORKS, ETC.

Works

5 Power to make works

The Board may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the following works with all necessary works and conveniences connected therewith:—

In the borough of Ashford, town of Ashford, Kent—

Work No. 1A A railway (1,690 metres in length), commencing by a junction with the Tonbridge and Ashford Railway at a point 354 metres west of the western side of the bridge carrying Beaver Road over that railway, passing eastwards under Beaver Road, then over the Great Stour and East Stour rivers, then in tunnel under the Ashford and Canterbury Railway, and terminating by a junction with the Ashford and Folkestone Railway at a point 105 metres south-west of Aylesford Road level crossing on that railway;

Work No. 1B A railway (744 metres in length), commencing by a junction with Work No. 1A at a point 45 metres north-west of the bridge carrying Beaver Road over the Tonbridge and Ashford Railway, passing eastwards on the south-western side of Work No. 1A under Beaver Road, then over the Great Stour and East Stour rivers, and terminating by a junction with Work No. 1A at a point 350 metres east of the bridge carrying the Ashford and Folkestone Railway over the East Stour river;

In the London borough of Camden—

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

Work No. 2 A railway (645 metres in length), commencing by a junction with the North London Line at a point 115 metres south-west of the bridge carrying that railway over the London and Bedford Railway and terminating by a junction with that railway in Belsize Tunnel beneath a point on Finchley Road 102 metres south-east of the junction of Rosemont Road with Finchley Road;

In the borough of Maidstone, parish of Headcorn, Kent—

Work No. 3 A railway (948 metres in length) adjoining, and on the southern side of, the Tonbridge and Ashford Railway, commencing by a junction with the up line of that railway at a point 88 metres east of the bridge carrying that railway over the river Beult and terminating by a junction with that line of that railway at a point 157 metres west of the bridge carrying Biddenden Road over that railway;

In the borough of Tonbridge and Malling, parish of Ightham, Kent—

Work No. 4 A railway (584 metres in length) adjoining, and on the northern side of, the Otford Junction and Maidstone Railway, commencing by a junction with the down line of that railway at a point 125 metres east of the bridge carrying Fen Pond Road over that railway and terminating by a junction with the down passing loop line of that railway at a point 250 metres north-east of the centre of the roundabout at the intersection of Ightham bypass (A.25) and Borough Green Road (A.25);

In the district of Sevenoaks, parishes of Kemsing, Otford, Seal and Sevenoaks, Kent—

Work No. 5 A railway (933 metres in length) adjoining, and on the southern side of, the Otford Junction and Maidstone Railway, commencing in the parish of Otford by a junction with the up line of that railway at a point 211 metres west of Nash level crossing on that railway and terminating in the parish of Seal by a junction with that line of that railway at a point 19 metres west of the bridge carrying Childsbridge Road over that railway;

In the London borough of Bromley—

Work No. 6 A railway (113 metres in length), commencing by a junction with the down Tonbridge loop line and the up Chatham loop line at Bickley Junction at a point 33 metres north-west of the bridge carrying the Chislehurst and Petts Wood Railway over those lines and terminating by a junction with those lines at a point 35 metres south-east of that bridge.

Provisions relating to Works Nos. 1A and 1B

6 Stopping up, etc., footpath at Ashford

The Board may stop up and discontinue the footpath and passageway under Beaver Road in the borough of Ashford between points A1 and A2, substituting therefor a new footpath and passageway beneath that road between points A3 and A4.

Provisions relating to Work No. 2

7 Diversion of footpaths at West Hampstead

The Board may stop up and discontinue—

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

- (a) so much of the footpath from West End Lane to Finchley Road as lies between points A1 and A2; and
 - (b) so much of the footpath from Broadhurst Gardens to the footpath mentioned in paragraph (a) above as lies between points A3 and A4;
- substituting for both such parts of those footpaths a new footpath between points A1, A3, A5, A6, A7, A8 and A2, passing in subway under Work No. 2 between points A5 and A6.

8 Access from Finchley Road

The Board may in the London borough of Camden form and lay out means of access to Work No. 2 from Finchley Road at point A.

Provisions relating to Work No. 4

9 Footpath, etc., lowering at Borough Green

- (1) In this section “the road” means the combined public footpath (MR 244) between Borough Green Road and Westlands Farm and private access road to the premises of Celcon Blocks Limited bridged by the Otford Junction and Maidstone Railway in the borough of Tonbridge and Malling, parish of Ightham.
- (2) The Board may in the construction of Work No. 4—
 - (a) lower so much of the road as lies between points A and B; and
 - (b) widen on the northern side thereof the bridge carrying the Otford Junction and Maidstone Railway over the road.

Provisions relating to Work No. 5

10 Nash level crossing, Otford

- (1) In this section “the road” means the combined public footpath (SR 66) between Farm Road and Long Lodge Oast House and private access road to Childsbridge Farm which is crossed on the level by the Otford Junction and Maidstone Railway at Nash level crossing in the district of Sevenoaks, parishes of Kemsing, Otford, Seal and Sevenoaks.
- (2) The Board may stop up and discontinue so much of the road as lies between points A and B, substituting for the public footpath in that road a new footpath between points A, C, D, E, F and B, to be carried over the said railway and Work No. 5 by means of a footbridge.
- (3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.