



British Railways Act 1994

1994 CHAPTER iv

An Act to empower the British Railways Board to construct works and to acquire land; to confer further powers on the Board; and for connected purposes. [31st March 1994]

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 the works authorised by this Act and to acquire or use the land referred to in this Act:
- (3) 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:
- (4) 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 acquired 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 counties 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:
- (5) The purposes of this Act could not have been effected without the authority of Parliament when the Bill for this Act was deposited:

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Status: This is the original version (as it was originally enacted).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 1994.

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 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;
 - “reference point” means Ordnance Survey National Grid reference point;
 - “the tribunal” means the Lands Tribunal; and
 - “the works” means the works authorised by this Act.
- (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.
- (3) Any reference in this Act to Work No. 2 shall be construed as a reference to the work of that number authorised by this Act.
- (4) References in this Act to access to any place shall include reference to egress from that place.
- (5) References in this Act to the purchase by the Board of new rights are references to the purchase of rights to be created in favour of the Board.

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) (a)
- For the purposes of the enactments incorporated by subsection (1) above the expression “the company” where used in those enactments means the Board.

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- (b) 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 by the provisions of Part III of the New Roads and Street Works Act 1991 or by section 26 (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, on lands in their ownership, or to be made available to them, and in the line or situation 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 work in Mid Glamorgan with all necessary works and conveniences connected therewith:—

In the borough of Cynon Valley—

(Deviation railway at Mountain Ash).

Work No. 2—A railway (704 metres in length), being a deviation of the Cardiff to Aberdare Railway on the eastern side of that railway, commencing by a junction with that railway at a point 58 metres south of Town Bridge over that railway and terminating by a junction with that railway at a point 78 metres south of the junction of Bailey Street with Miskin Road including a crossing on the level of the footpath (

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General works provisions

6 Power to deviate

In the execution of Work No. 2 the Board may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards or to such further extent as may be approved by the Secretary of State.

7 Stopping up highways

- (1) On the stopping up of any highway or part thereof under any provision of this Act, other than section 11 (Temporary stoppage of highways), all rights of way over or along the highway or part so stopped up shall be extinguished.
- (2) Any person who suffers loss by reason of the extinguishment under this section of any private right shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

8 Appropriating sites of highways

After a highway or part thereof is permanently stopped up under this Act, the Board may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, so far as the said highway or part thereof is bounded on both sides by lands of the Board, appropriate the site thereof without making any payment therefor and use it for the purposes of their undertaking.

9 Repair of highways

Any highway or part thereof made, diverted or altered under this Act (except the structure carrying any such highway over any railway of the Board) shall when completed, unless otherwise agreed, be maintained by and at the expense of the highway authority.

10 Agreements with highway authorities

- (1) Where a highway or part thereof is altered or stopped up or interfered with under this Act, the Board may enter into and carry into effect agreements with the highway authority with respect to such alteration, stopping up or interference, or the construction of any new highway to be made under this Act, contributions to the costs thereof or any other matters relating thereto.
- (2) The Board may by agreement delegate to the highway authority the power of constructing and maintaining any such alterations or new highway, including the structure of any bridge over or under any railway.
- (3) The purposes of this section shall be deemed to be purposes for which a highway authority may incur expenditure and borrow money.

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11 Temporary stoppage of highways

- (1) The Board, during and for the purpose of the execution of the works, may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent all persons other than those going bona fide to any land, house or building abutting on the highway from passing along and using the same.
- (2) The Board shall provide reasonable access for persons on foot going bona fide to any such land, house or building.
- (3) (a)
The Board shall not exercise the powers of this section without the consent of the highway authority.
(b) Any such consent may be given subject to such reasonable conditions as the highway 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 referred to and settled by arbitration.

12 Underpinning of buildings near works

The Board may at their own expense, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 35 metres of Work No. 2 and the following provisions shall have effect:—

- (1) At least 14 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened:
- (2) Each such notice shall be served in a manner prescribed by section 6 of the Acquisition of Land Act 1981 as if required to be served under that Act:
- (3) If any owner, lessee or occupier of any such house or building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration and, if the arbitrator decides that such underpinning or strengthening is not necessary, the Board shall not proceed therewith:
- (4) In any case in which any house or building has been underpinned or strengthened under the powers of this section the Board may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which such underpinning or strengthening was done, or within five years after the opening for traffic of that work, enter upon and survey such house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:
- (5) The Board shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section:
- (6) Nothing in this section shall affect liability to compensate under section 6 of the Act of 1845, as incorporated with this Act, or section 10 (2) of the Act of 1965, as applied by this Act, or under any other enactment in respect of loss or damage arising from the execution of any works, except so far as compensation is payable under paragraph (5) above: