



British Railways Act 1993

1993 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 other purposes. [29th March 1993]

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, metropolitan districts and London borough 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Status: This is the original version (as it was originally enacted).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 1993.

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 1863” means the Railways Clauses Act 1863;
 - “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 specified enactments” means the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation Act 1842, section 47 of the Act of 1845, sections 5, 6 and 7 of the Act of 1863 and any other provision to the same or similar effect incorporated with, or contained in, any enactment;
 - “traffic sign” has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1984;
 - “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 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 shall be construed as references to the points so lettered on the deposited plans.
- (5) References in this Act to access to any place shall include reference to egress from that place.
- (6) 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.

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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 Act of 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.

- (b) For the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated by subsection (1) above, Works Nos. 10, 11A and 11B shall be deemed to be railways authorised by the special Act.
 - (c) 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 41 (For protection of electricity, gas and water undertakers) of this Act.
- (3) 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 any traffic sign by the Board as if it were a traffic sign erected and displayed by a highway authority.

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.

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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 works described in Schedule 1 to this Act with all necessary works and conveniences connected therewith.

Provisions relating to Works Nos. 1 to 3, 5 and 6

6 **Appropriation of works for Works Nos. 1 to 3, 5 and 6**

- (1) In this section and in Schedule 2 to this Act—
- “the original enactments” means the enactments specified in columns (1) and (2) of that Schedule;
 - “the original works” means the works authorised by the original enactments described in column (3) of that Schedule as lie within the limits of deviation of a relevant work; and
 - “the relevant works” means Works Nos. 1 to 3, 5 and 6, or any of them, as specified in that Schedule.
- (2) If the Board proceed with the construction of a relevant work, they may hold, use and appropriate such part of the original works as they may require for the purposes of that relevant work and shall be relieved of the obligation to maintain the original works for the purposes of the original enactments.
- (3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the original enactments in relation to the original works shall cease to have effect.
- (4) 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.

Provisions relating to Work No. 4

7 **Transitional provisions**

- (1) In this section—
- “the bridge” means a bridge to carry the railway over the main new trunk road referred to in article 1 (2) of, and Schedule 1 to, The North-West of Doncaster-Kendal Trunk Road (Airedale Route) (Bingley to Cottingley Bar Section and Slip Roads) Order 1991 proposed to be constructed by the Secretary of State;

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“the railway” means that part of the Leeds and Skipton Railway at Bingley in the city of Bradford authorised by the special enactment as lies between the points of commencement and termination of Work No. 4; and

“the special enactment” means the Act 8 & 9 Vict. intituled “An Act for enabling the Leeds and Bradford Railway Company to make a Railway from Shipley to Colne, with a branch to Haworth.”

- (2) Upon completion of the bridge, the Board may—
- (a) restore the railway which existed prior to the construction and opening for traffic of Work No. 4;
 - (b) resume operation and maintenance of the railway under the powers and obligations conferred or imposed upon the Board by the special enactment; and
 - (c) remove Work No. 4.

Provisions relating to Work No. 9

8 Level crossing of Fenton Lane, Sherburn in Elmet, by Work No. 9

- (1) In this section “the level crossing” means a level crossing comprising a single line of railway across and on the level of Fenton Lane, being numbered on the deposited plans 7 in the parish of Sherburn in Elmet, district of Selby.
- (2) The Board may in the construction of Work No. 9 provide the level crossing 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 crossing such 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 specified enactments, except sections 5 and 7 of the Act of 1863, shall not apply to the level crossing.

Provisions relating to Work No. 10

9 Marholm level crossing, Peterborough

- (1) In this section—
- “the footbridge” means the footbridge (No. 189A) over the East Coast Main Line at Marholm level crossing (reference point TF 1545:0359) in the city of Peterborough;
- “the footpath” means the footpath carried by the footbridge;
- “the road” means Hurn Road which is crossed on the level by the Peterborough and Stamford Railway and the East Coast Main Line at Marholm level crossing; and
- “the specified provision” means section 23 (Stopping up, etc., of footpaths) of, and Schedule 2 to, the British Railways (No. 2) Act 1986.