



British Railways (No. 2) Act 1992

1992 CHAPTER xi

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. [18th June 1992]

WHEREAS—

- (1) By the Transport Act 1962 the British Railways Board (hereinafter referred to as “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 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 London boroughs, counties and metropolitan districts 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,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1 Short title

this act may be cited as the British Railways (No. 2) 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 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 existing railway” means the railway between Reading and Paddington;

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“the tribunal” means the Lands Tribunal; and

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

(t) (a)

Except as mentioned in paragraph (b) below, 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.

- (b) This subsection shall not apply to the distances in the following provisions of this Act:—

(i) subsection (2) of section 6 (Dimensions of bridges at Langley); and

(ii) subsection (1) of section 24 (Headway of bridge at Gainsborough).

- (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.

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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 Railways Clauses Act 1863, Part I (relating to the construction of a railway), except sections 14 to 17 thereof and Part II (relating to extension of time).

(2) (a)

For the purposes of the enactments incorporated by subsection (1) above—

- (i) the expression “the company” where used in those enactments means the Board;
- (ii) Works Nos. 2A, 2B, 2C and 15 shall be deemed to be railways authorised by the special Act.
- (b) For the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated by subsection (1) above, Works Nos. 13A and 14A 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—
 - (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) by section 39 (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.

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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. 2B and 2C

6 Dimensions of bridges at Langley

(1) In this section—

“Station Road Bridge” means the bridge composed of two spans at Langley in the borough of Slough carrying the existing railway over Station Road; and

“Chequer Bridge” means the bridge at Langley carrying the existing railway over Market Lane and Hollow Hill Lane.

(2) Notwithstanding anything in the Act of 1845 or in any other enactment, the Board may—

- (a) maintain Station Road Bridge and construct the widenings thereof comprised in Work No. 2B at clear heights above the surface of the road of not less than 3.85 metres; and
- (b) maintain Chequer Bridge and construct the widening thereof comprised in Work No. 2C at a clear height above the surface of the road of not less than 4 metres.

Provisions relating to Work No. 7

7 Appropriation of works for Work No. 7

(1) In this section—

“the Act of 1863” means the London and North-western Railway (Additional

“the viaduct” means the viaduct formerly carrying the Kirkburton branch railway over the Huddersfield Broad Canal, Ashgrove Road and the river Colne at Deighton in the metropolitan borough of Kirklees authorised by the Act of 1863.

(2) If the Board proceed with the construction of Work No. 7 they may hold, use and appropriate the viaduct for the purposes of Work No. 7 and shall be relieved of the obligation to maintain the viaduct for the purposes of the Act of 1863.

(3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the Act of 1863 in relation to the viaduct shall cease to have effect.

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- (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 Works Nos. 9 and 10

8 Level crossing of Brinsworth Street, Rotherham, by Works Nos. 9 and 10

- (1) In this section “the level crossing” means the level crossing known as Brinsworth Street crossing in the metropolitan borough of Rotherham whereby Brinsworth Street is crossed by the railway known as Holmes Chord.
- (2) The Board may, in the construction of Works Nos. 9 and 10, carry the same with an aggregate of not more than two lines of railway across and on the level of Brinsworth Street at the level crossing and, for that purpose, may modify the level crossing on any of the land numbered on the deposited plans 14 and 15 in the said metropolitan borough.
- (3) The provisions of subsections (2) to (5) of section 9 (Power to cross road on level) of the British Railways Act 1981 shall apply to the level crossing as modified under subsection (2) above as they apply to the level crossing as at the date of the passing of this Act.

Provisions relating to Works Nos. 13 and 13A

9 Stopping up portion of Whinny Hagg Lane, Hambleton

The Board may, upon the completion and opening for public use of Work No. 13A, stop up and discontinue so much of Whinny Hagg Lane in the parish of Hambleton, district of Selby, as lies between points A and B.

Provisions relating to Works Nos. 14 and 14A

10 Stopping up portion of Little Heck Common Lane and new bridleway at Hensall

- (1) In this section—“the bridleway” means a new bridleway in the parish of Hensall, district of Selby, between points E, B, C and F; and
“the road” means so much of Little Heck Common Lane in the said parish of Hensall as lies between points A, B, C and D.
- (2) The Board may—
- (a) form and lay out means of temporary vehicular access at point G from the road, for the purpose of constructing Works Nos. 14 and 14A, or either of them;
 - (b) upon the completion and opening for public use of Work No. 14A—
 - (i) stop up and discontinue the road;
 - (ii) make the bridleway; and
 - (iii) form and lay out means of access to the bridleway at point E from Gowdall Road.