



# Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004

2004 asp 10

## PART 3

### MISCELLANEOUS AND GENERAL

#### 36 Application of existing enactments, etc.

- (1) As from the coming into force of this Act the existing railways, or any part of them, shall continue to be subject to—
  - (a) the existing enactments (so far as relating to railways); and
  - (b) all other statutory and other provisions applicable to the existing railways, or any part of them, at that date (insofar as such provisions are still subsisting and capable of having effect).
- (2) Except as may be otherwise provided in this Act, as from the coming into force of this Act the authorised undertaker shall—
  - (a) be subject to all statutory and other provisions applicable to the existing railways (but only insofar as such provisions are still subsisting and capable of having an effect); and
  - (b) to the exclusion of all other parties, be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations (in both cases whether statutory or otherwise) relating to the existing railways insofar as the same are still subsisting and capable of having effect, to the intent that such other parties shall be released from all such obligations.
- (3) Subsection (2) above shall not apply to the exercise by Network Rail otherwise than as the authorised undertaker of any function in relation to the authorised works; and accordingly the existing enactments shall apply to such exercise.
- (4) In subsection (2) above, “other parties” includes (without prejudice to the generality of that expression) the statutory successors to the parties authorised or obligated by virtue of the existing enactments or the enactments incorporated by section 37(1) below.
- (5) The existing enactments shall have effect subject to the provisions of this Act.