Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004

2004 asp 10

PART 1

WORKS ETC.

Works

9   Private crossings

(1) If the authorised undertaker proceeds with Work No. 1 it shall make and maintain the private crossings described in columns (1), (2) and (3) of Part 1 of schedule 5 to this Act ("the continuing private crossings").

(2) The continuing private crossings shall be provided for the use of the persons entitled under the existing enactments to use the existing private crossings at those points, and those persons shall be entitled to use the continuing private crossings on the same basis in all respects as they are entitled to use the existing private crossings.

(3) The authorised undertaker shall provide and maintain at each of the continuing private crossings such equipment as may from time to time be required for compliance with any requirement of the Secretary of State, and, subject to such compliance, as may be agreed in relation to any crossing between the authorised undertaker and the person entitled to use the crossing and approved by the Secretary of State.

(4) Nothing in section 60 of the 1845 Act, as incorporated with this Act, shall require the authorised undertaker to provide any other private crossing for the purpose of making good any interruption caused by Work No. 1 to the use of any lands to which there attaches an entitlement to use any of the continuing private crossings.

(5) The authorised undertaker shall stop up and discontinue the private crossings described in Part 2 of schedule 5 to this Act and on such stopping up and discontinuance all rights of way across and on the level of those crossings shall be extinguished.

(6) Any person who suffers loss by the extinguishment of any right of way over any of the private crossings described in Part 2 of schedule 5 to this Act shall be entitled to compensation, the amount of such compensation to be determined, in case of dispute, under the 1963 Act.