



Waverley Railway (Scotland) Act 2006

2006 asp 13

PART 1

WORKS, ETC.

Supplemental powers

10 Temporary stopping up, alteration or diversion of roads

- (1) During and for the purposes of the execution of the authorised works the authorised undertaker may temporarily stop up, alter or divert any road and may for any reasonable time—
 - (a) divert the traffic from the road; and
 - (b) subject to subsection (2) below, prevent all persons from passing along the road.
- (2) The authorised undertaker shall provide reasonable access for pedestrians going to or from premises abutting on a road affected by the exercise of the powers conferred by this section if there would otherwise be no such access.
- (3) Without prejudice to the generality of subsection (1) above, the authorised undertaker may temporarily stop up, alter or divert each of the roads specified in columns (1) and (2) of Part 2 of schedule 4 to this Act to the extent specified (by reference to the letters and numbers shown on the relevant Parliamentary plans) in column (3) of that Part, and may for any reasonable time—
 - (a) divert the traffic from the road; and
 - (b) subject to subsection (2) above, prevent all persons from passing along the road.
- (4) The authorised undertaker shall not exercise the powers conferred by this section—
 - (a) in relation to any road specified as mentioned in subsection (3) above, without first consulting the road works authority; and
 - (b) in relation to any other road, without the consent of the road works authority.
- (5) Consent under subsection (4)(b) above shall not be unreasonably withheld but may be given subject to such reasonable conditions as the road works authority may require.

- (6) Any question whether—
- (a) consent under subsection (4)(b) above has been unreasonably withheld; or
 - (b) a condition imposed under subsection (5) above is unreasonable,
- shall be determined by arbitration.

11 Discharge of water

- (1) The authorised undertaker may use any available watercourse or any public sewer or drain for the drainage of water, and for that purpose may—
- (a) lay down, take up and alter pipes; or
 - (b) make openings into, and connections with the watercourse, sewer or drain,
- on any land within the limits of deviation or the limits of land to be acquired or used.
- (2) The authorised undertaker shall not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as the person may reasonably impose but shall not be unreasonably withheld.
- (3) The authorised undertaker shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld.
- (4) The authorised undertaker shall take such steps as are reasonably practicable to secure that any water discharged under the powers conferred by this section is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (5) Any difference under this section arising between the authorised undertaker and a person who owns a public sewer or drain shall be determined by arbitration.
- (6) Nothing in this section shall affect the operation of Part IV of the 1991 Act.
- (7) In this section—
- “public sewer or drain” means a sewer or drain which belongs to Scottish Water, a private provider who has made an agreement with Scottish Water under section 1(2)(b) of the Sewerage (Scotland) Act 1968 (c. 47) (duty of local authority to provide sewerage for their area) or a roads authority; and
 - “watercourse” includes all rivers, streams, ditches, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain.

12 Safeguarding works to buildings

- (1) The authorised undertaker may at its own expense and from time to time carry out such safeguarding works to any building any part of which is within 20 metres of any part of the authorised works as the authorised undertaker considers to be necessary or expedient.
- (2) The powers conferred by this section shall be exercised subject to and in accordance with schedule 5 to this Act.
- (3) In this section and that schedule—
- (a) “building” includes any structure or erection or any part of a building, structure or erection;

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

- (b) any reference to a building within a specified distance of a work includes—
 - (i) in the case of a work under the surface of the ground, a reference to any building within the specified distance of the point on the surface below which the work is situated; and
 - (ii) where a work has not commenced, a reference to a building within the specified distance of the proposed site of the work; and
- (c) “safeguarding works”, in relation to a building, means—
 - (i) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works; and
 - (ii) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works.