



Waverley Railway (Scotland) Act 2006

2006 asp 13

PART 4

SUPPLEMENTARY

52 Incorporation of enactments

- (1) The following enactments (so far as applicable for the purposes of and not inconsistent with, or varied by, the provisions of this Act) are incorporated with this Act—
- the Lands Clauses Acts, except sections 120 to 124 and section 127 of the 1845 Lands Act;
 - the 1845 Act, except sections 1, 7, 8, 9, 15, 17, 19, 20, 22, 23 and 25; and
 - in the Railways Clauses Act 1863 (c. 92), Part I (relating to construction of a railway) except sections 13, 14 and 19.
- (2) This Act shall be deemed to be the special Act for the purposes of the enactments incorporated by subsection (1) above.

53 Interpretation

- (1) In this Act—
- “the 1845 Act” means the Railways Clauses Consolidation (Scotland) Act 1845 (c. 33);
 - “the 1845 Lands Act” means the Lands Clauses Consolidation (Scotland) Act 1845 (c. 19);
 - “the 1963 Act” means the Land Compensation (Scotland) Act 1963 (c. 51);
 - “the 1991 Act” means the New Roads and Street Works Act 1991 (c. 22);
 - “the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 (c. 8);
 - “the ancillary works” has the meaning given by section 3 above;
 - “the authorised undertaker” means, at any time, Scottish Borders Council or such other person or persons in whom are vested at that time some or all of the functions conferred by this Act concerning the authorised works;
 - “the authorised works” means the works authorised by this Act;

Status: This is the original version (as it was originally enacted).

“book of reference” means the book of reference submitted to the Parliament as an accompanying document with the Bill for this Act, together with the volume entitled ‘Book of Reference – Stow Station’, which was submitted to the Committee in connection with the Bill for this Act, a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act;

“code of construction practice” means the edition of the Code of Construction Practice (which sets out the measures to be employed in the construction of the authorised works so to mitigate the impact of those works) Version 7 dated 28th April 2006, a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act;

“the Committee” means the Waverley Railway (Scotland) Bill Committee to which the Bill for this Act was referred;

“construction” includes execution, placing, alteration and reconstruction and demolition; and “construct” and “constructed” have corresponding meanings;

“the continuing private crossings” has the meaning given by section 8(1) above;

“enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the existing private crossings” has the meaning given by section 8(2) above;

“the former railway” means any railway which prior to the passing of this Act was situated within the limits of deviation;

“the limits of deviation” means the limits so described on the Parliamentary plans;

“the limits of land to be acquired or used” means the limits so described on the Parliamentary plans;

“local construction code” means a code of practice intended to define, and from time to time redefine, the authorised undertaker’s policy in relation to construction practice to be adopted in the carrying out of the authorised works within an area specified in that code;

“Network Rail” means Network Rail Infrastructure Limited (Company No. 2904587 (England)) whose registered office is at 40 Melton Street, London NW1 2EE and any other of the Network Rail group of companies which holds property for railway purposes;

“the original enactments” means any enactment by which any former railway was authorised, and any other enactment of local application relating to any former railway;

“Parliamentary plans” means the plans submitted to the Parliament as accompanying documents with the Bill for this Act, together with the Stow maps, plans and sections;

“Parliamentary sections” means the sections submitted to the Parliament as accompanying documents with the Bill for this Act;

“the railway works” has the meaning given by section 2 above;

“River Tweed Special Area of Conservation” means the special area of conservation designated, under Directive [92/43/EEC](#) on the Conservation of Natural Habitats and of Wild Flora and Fauna, with the SAC EU Code UK 0012691;

“road” has the meaning given by section 107 of the 1991 Act;

“the road works authority” has the meaning given by section 108 of the 1991 Act;

“the roads authority” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984 (c. 54);

“SEPA” means the Scottish Environment Protection Agency established under section 20 of the Environment Act 1995 (c. 25);

“SNH” means Scottish Natural Heritage established under section 1 of the Natural Heritage (Scotland) Act 1991 (c. 28);

“Stow maps, plans and sections” means the volume of the Parliamentary plans entitled “Maps, Plans and Sections – Stow Station”, which was submitted to the Committee in connection with the Bill for this Act, a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act;

“Stow plan” means the plan forming part of the Stow maps, plans and sections; and

“the tribunal” means the Lands Tribunal for Scotland.

- (2) Except in relation to section 4 above, all directions, distances and lengths stated in any description of works, powers or lands in this Act shall be construed as if the words “or thereby” were inserted after each such direction, distance and length.

54 Short title

This Act may be cited as the Waverley Railway (Scotland) Act 2006.