



Waverley Railway (Scotland) Act 2006

2006 asp 13

PART 3

MISCELLANEOUS AND GENERAL

38 Interpretation of sections 39 and 40

(1) In sections 39 and 40 below—

“currency”, in relation to a financial support contract, means the period during which—

- (a) a financial support contract is in force; and
- (b) financial obligations under the financial support contract relating to the provision of the authorised works remain to be discharged;

“developer contribution” means a developer contribution obtained under section 39(4) below;

“financial support contract” means—

- (a) an agreement under which a party to the agreement makes a commitment to—
 - (i) procure funding for the provision of the authorised works;
 - (ii) approve any of the relevant planning authorities incurring expenditure or entering into any financial obligation for that purpose;
- (b) a contract under which a party to the contract is obliged to provide money to pay for providing the authorised works and the authorised undertaker is obliged to pay interest or otherwise give monetary consideration for that money; or
- (c) a contract under which a party to the contract is obliged to provide, or to procure the provision of, all or part of the authorised works for a consideration all or part of which is represented by the transfer or grant to that person of assets or benefits in either case other than money;

“provision”, in relation to any part of the railway works, means the design, construction or financing of those works, and includes maintenance and operation so far as provided in conjunction with design, construction or financing; and

Status: This is the original version (as it was originally enacted).

“relevant planning agreement” means an agreement entered into by a planning authority under section 75 of the 1997 Act in connection with land on which any development can be expected to benefit from or be enhanced by the provision of the authorised works.

- (2) For the purposes of subsection (1) above and of sections 39 and 40 below the relevant planning authorities are Scottish Borders Council, Midlothian Council and City of Edinburgh Council.