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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 188**

**The Network Rail (Waverley Steps) Order 2010**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Network Rail (Waverley Steps) Order 2010 and comes into force on 1st June 2010.

**Interpretation**

2.—(1) In this Order—

“the 1845 Lands Act” means the Lands Clauses Consolidation (Scotland) Act 1845<sup>(1)</sup>;

“the 1963 Act” means the Land Compensation (Scotland) Act 1963<sup>(2)</sup>;

“the 1984 Act” means the Roads (Scotland) Act 1984<sup>(3)</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991<sup>(4)</sup>;

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997<sup>(5)</sup>;

“the 2003 Act” means the Title Conditions (Scotland) Act 2003<sup>(6)</sup>;

“the 2007 Act” means the Transport and Works (Scotland) Act 2007<sup>(7)</sup>;

“the authorised works” means the scheduled works and any other works authorised by this Order;

“the Balmoral Hotel” means 1 Princes Street, Edinburgh EH2 2EQ as registered in the Land Register of Scotland under Title No. MID5396;

“benefited property” has the meaning given by section 122(1) of the 2003 Act;

“the book of reference” means the book of reference certified by the Scottish Ministers as the book of reference for the purposes of this Order and deposited at the offices of the Scottish Ministers, Victoria Quay, Edinburgh, EH6 6QQ;

“building” includes any structure or erection or any part of a building, structure or erection;

“burdened property” has the meaning given by section 122(1) of the 2003 Act;

“constitutive deed” has the meaning given by section 122(1) of the 2003 Act;

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(1) 1845 c.19.  
(2) 1963 c.51.  
(3) 1984 c.54.  
(4) 1991 c.22.  
(5) 1997 c.8.  
(6) 2003 asp 9.  
(7) 2007 asp 8.

“construction” includes execution, placing, altering, renewal, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation; and “construct” and “constructed” shall be construed accordingly;

“in” in a context referring to apparatus or alternative apparatus in land, includes under, over or upon land;

“the limits of deviation” means the limits for the scheduled works shown on sheet no. 1 of the Order plans;

“Network Rail” means Network Rail Infrastructure Limited (company no. 2904587) whose registered office is at Kings Place, 90 York Way, London N1 9AG;

“operational land” has the meaning given by section 215 of the 1997 Act<sup>(8)</sup>;

“the Order limits” means—

(a) the limits of deviation; and

(b) the limits of land to be acquired or used shown on sheet no. 1 of the Order plans;

“the Order plans” means the plans certified by the Scottish Ministers as the Order plans for the purposes of this Order and deposited at the offices of the Scottish Ministers, Victoria Quay, Edinburgh, EH6 6QQ;

“the Order sections” means the sections certified by the Scottish Ministers as the Order sections for the purposes of this Order and deposited at the offices of the Scottish Ministers, Victoria Quay, Edinburgh, EH6 6QQ;

“Princes Mall” means 3 Princes Street, Edinburgh EH2 2QP as described in a Notice of Title in favour of the City of Edinburgh District Council recorded in the Division of the General Register of Sasines applicable to the county of Midlothian on 29th March 1982;

“private rights” means rights of any sort that are vested in a person but not in the general public;

“real burden” has the meaning given by section 122(1) of the 2003 Act;

“roads authority” has the meaning given by section 151(1) of the 1984 Act<sup>(9)</sup>;

“the road works authority” has the meaning given by section 108 of the 1991 Act<sup>(10)</sup>;

“the scheduled works” means the works described in Schedule 1;

“the tribunal” means the Lands Tribunal for Scotland; and

“Waverley Steps” means the existing flight of steps within plots nos. 1 and 11, between points P1 and P2.

(2) Any reference to “ancillary works” is to any works referred to in article 3(3).

(3) Any reference to an “interest” in land shall be construed as a reference to a right in land and as including a reference to ownership of land.

(4) Any reference to a numbered work is to the scheduled work so numbered, and includes any ancillary works which are ancillary to that scheduled work.

(5) Any reference to a numbered plot or to a point is to the plot or point so numbered on sheet no. 1 of the Order plans.

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<sup>(8)</sup> There are amendments to section 215 which are not relevant to this Order.

<sup>(9)</sup> Section 151(1) was relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 135(10) and S.I. 2001/1400.

<sup>(10)</sup> Section 108 was relevantly amended by the Transport (Scotland) Act 2005 (asp 12), section 19(2).