



British Railways (No. 2) Act 1992

1992 CHAPTER xi

PART II

WORKS, ETC.

works

5 Power to make works

The Board may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works described in Schedule 1 to this Act with all necessary works and conveniences connected therewith.

Provisions relating to Works Nos. 2B and 2C

6 Dimensions of bridges at Langley

(1) In this section—

“Station Road Bridge” means the bridge composed of two spans at Langley in the borough of Slough carrying the existing railway over Station Road; and

“Chequer Bridge” means the bridge at Langley carrying the existing railway over Market Lane and Hollow Hill Lane.

(2) Notwithstanding anything in the Act of 1845 or in any other enactment, the Board may—

(a) maintain Station Road Bridge and construct the widenings thereof comprised in Work No. 2B at clear heights above the surface of the road of not less than 3·85 metres; and

(b) maintain Chequer Bridge and construct the widening thereof comprised in Work No. 2C at a clear height above the surface of the road of not less than 4 metres.

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Provisions relating to Work No. 7

7 Appropriation of works for Work No. 7

(1) In this section—

“the Act of 1863” means the London and North-western Railway (Additional

“the viaduct” means the viaduct formerly carrying the Kirkburton branch railway over the Huddersfield Broad Canal, Ashgrove Road and the river Colne at Deighton in the metropolitan borough of Kirklees authorised by the Act of 1863.

(2) If the Board proceed with the construction of Work No. 7 they may hold, use and appropriate the viaduct for the purposes of Work No. 7 and shall be relieved of the obligation to maintain the viaduct for the purposes of the Act of 1863.

(3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the Act of 1863 in relation to the viaduct shall cease to have effect.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

Provisions relating to Works Nos. 9 and 10

8 Level crossing of Brinsworth Street, Rotherham, by Works Nos. 9 and 10

(1) In this section “the level crossing” means the level crossing known as Brinsworth Street crossing in the metropolitan borough of Rotherham whereby Brinsworth Street is crossed by the railway known as Holmes Chord.

(2) The Board may, in the construction of Works Nos. 9 and 10, carry the same with an aggregate of not more than two lines of railway across and on the level of Brinsworth Street at the level crossing and, for that purpose, may modify the level crossing on any of the land numbered on the deposited plans 14 and 15 in the said metropolitan borough.

(3) The provisions of subsections (2) to (5) of section 9 (Power to cross road on level) of the British Railways Act 1981 shall apply to the level crossing as modified under subsection (2) above as they apply to the level crossing as at the date of the passing of this Act.

Provisions relating to Works Nos. 13 and 13A

9 Stopping up portion of Whinny Hagg Lane, Hambleton

The Board may, upon the completion and opening for public use of Work No. 13A, stop up and discontinue so much of Whinny Hagg Lane in the parish of Hambleton, district of Selby, as lies between points A and B.

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Provisions relating to Works Nos. 14 and 14A

10 Stopping up portion of Little Heck Common Lane and new bridleway at Hensall

- (1) In this section—“the bridleway” means a new bridleway in the parish of Hensall, district of Selby, between points E, B, C and F; and
“the road” means so much of Little Heck Common Lane in the said parish of Hensall as lies between points A, B, C and D.
- (2) The Board may—
- (a) form and lay out means of temporary vehicular access at point G from the road, for the purpose of constructing Works Nos. 14 and 14A, or either of them;
 - (b) upon the completion and opening for public use of Work No. 14A—
 - (i) stop up and discontinue the road;
 - (ii) make the bridleway; and
 - (iii) form and lay out means of access to the bridleway at point E from Gowdall Road.

Provisions relating to Work No. 15

11 Platform extensions at Elephant & Castle station

In the construction of Work No. 15, the Board may at Elephant & Castle station construct and maintain platform extensions on so much of the land numbered on the deposited plans 1 to 3 in the London borough of Southwark as lies between the lines marked “Extent of viaduct widening” on the deposited plans, with all necessary works and conveniences connected therewith.

Other station works

12 Works at Langley, Iver and West Drayton stations

- (1) In this section “the station works” means the alteration of—
- (a) Langley station on so much of the land numbered on the deposited plans 19 in the borough of Slough, Berkshire, as lies within the line marked “Limit of land to be used” on the deposited plans, in connection with the construction and use of Work No 2; and
 - (b)
 - (i) that part of Iver station on the land numbered on the deposited plans 4 in the parish of Iver, district of South Bucks, Buckinghamshire, which lies within the line marked “Limit of land to be used” on the deposited plans; and
 - (ii) that part of West Drayton station on so much of the land numbered on the deposited plans 1 in the London borough of Hillingdon as lies within the line marked “Limit of land to be used” on the deposited plans;
- in connection with the adaptation of the up (Iver to West Drayton) goods loop line of the existing railway for use by passenger trains.

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- (2) The Board may on any, or any part, of the said lands construct and maintain the station works with all the necessary works and conveniences connected therewith.

13 Platform extension at Braintree station, Essex

- (1) In this section the “accommodation road” means the private road in the district of Braintree, Essex, linking the road known as Station Approach with land on the south side of the railway at Braintree station by means of a level crossing.
- (2) Subject to subsection (3) below, the Board may—
- (a) stop up and discontinue the accommodation road between points A and B; and
 - (b) construct and maintain a platform extension with all necessary works and conveniences connected therewith at Braintree station on any part of the land numbered on the deposited plans 2 in the district of Braintree lying within the line marked “Limit of platform extension” on the deposited plans.
- (3) The stopping up and discontinuance of the accommodation road under subsection (2) (a) above shall not take place until the Board have provided and made available to the lawful users of the accommodation road—
- (a) a new private road between points C and B; and
 - (b) means of vehicular access from Station Approach to that new road over the land numbered on the deposited plans 1 in the district of Braintree.

Level crossings

14 New level crossing at Northampton

- (1) In this section—
- “the council” means Northamptonshire County Council;
- “the new level crossing” means a new level crossing in the borough of Northampton, Northamptonshire, whereby a new road linking St. James Mill Road with St. James Mill Road East, proposed to be constructed by the council, will cross the railway between Northampton station and Bridge Street at Ordnance Survey National Grid reference point SP 7473 : 5971 or in the vicinity thereof; and
- “traffic sign” has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1984.
- (2) The Board and the council may enter into and carry into effect agreements—
- (a) for the construction of the new level crossing; and
 - (b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.
- (3) (a) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.
- (b) Section 65 (1) of the Road Traffic Regulation Act 1984 (placing of traffic signs by highway authorities) shall have effect with respect to the erection and

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display of any traffic sign by the Board as if it were a traffic sign erected and displayed by a highway authority.

General works provisions

15 Power to deviate

In the execution of the works the Board may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards or to such further extent as may be approved by the Secretary of State.

16 Stopping up highways in case of diversion or substitution

- (1) Where this Act authorises the making of a new highway, either by way of diversion of, or in substitution for, an existing highway and the stopping up of an existing highway or part thereof, the stopping up of the existing highway shall not in either case take place until—
 - (a) the highway authority are satisfied that the new highway has been completed in accordance with their reasonable requirements and is open for public use; or
 - (b) in the case of any difference between the Board and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, the matter in dispute has been referred to and settled by arbitration.
- (2) Before referring a matter to arbitration under this section, the Board shall give to the highway authority seven days' notice in writing of their intention to do so.
- (3) As from the completion of the new highway to the satisfaction of the highway authority or, in case of dispute, in accordance with the decision of the arbitrator, all rights of way over or along the existing highway or part thereof authorised to be diverted or stopped up shall be extinguished.
- (4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

17 Appropriating sites of highways

After a highway or part thereof is permanently stopped up under this Act, the Board may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, so far as the said highway or part thereof is bounded on both sides by lands of the Board, appropriate the site thereof without making any payment therefor and use it for the purposes of their undertaking.

18 Repair of highways

Any highway or part thereof made, diverted or altered under this Act (except the structure carrying any such highway over any railway of the Board) shall when completed, unless otherwise agreed, be maintained by and at the expense of the highway authority.

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19 Agreements with highway authorities

- (1) Where a highway or part thereof is altered or stopped up or interfered with under this Act, the Board may enter into and carry into effect agreements with the highway authority with respect to such alteration, stopping up or interference, or the construction of any new highway to be made under this Act, contributions to the costs thereof or any other matters relating thereto.
- (2) The Board may by agreement delegate to the highway authority the power of constructing and maintaining any such alterations or new highway, including the structure of any bridge over or under any railway.
- (3) The purposes of this section shall be deemed to be purposes for which a highway authority may incur expenditure and borrow money.

20 Temporary stoppage of highways

- (1) The Board, during and for the purpose of the execution of the works, may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent all persons other than those going bona fide to any land, house or building abutting on the highway from passing along and using the same.
- (2) The Board shall provide reasonable access for persons on foot going bona fide to any such land, house or building.
- (3) The Board shall not exercise the powers of this section without the consent of the highway authority but such consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.

21 Underpinning of buildings near works

The Board may at their own expense, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 35 metres of any of the works and the following provisions shall have effect:—

- (1) At least 14 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened:
- (2) Each such notice shall be served in a manner prescribed by section 6 of the Acquisition of Land Act 1981 as if required to be served under that Act:
- (3) If any owner, lessee or occupier of any such house or building shall, within 10 days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration and, if the arbitrator decides that such underpinning or strengthening is not necessary, the Board shall not proceed therewith:
- (4) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Board may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which such underpinning or strengthening was done, or within five years after the opening for traffic of that work, enter upon and survey such

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house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:

- (5) The Board shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section:
- (6) Nothing in this section shall affect liability to compensate under section 6 of the Act of 1845, as incorporated with this Act, or section 10 (2) of the Act of 1965, as applied by this Act, or under any other enactment in respect of loss or damage arising from the execution of any works, except so far as compensation is payable under paragraph (5) above:
- (7) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Land Compensation Act 1961.

22 Use of sewers, etc., for removing water

- (1) In this section “relevant authority” means a sewerage undertaker, the National Rivers Authority, an internal drainage board or a local authority.
- (2) The Board may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of a relevant authority, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation.
- (3) The Board shall not—
 - (a) discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of that authority, which consent shall not be unreasonably withheld, and subject to such terms and conditions as that authority may reasonably impose; or
 - (b) make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested but approval of those plans by that authority shall not be unreasonably withheld.
- (4)
 - (a) Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning given by section 104 of that Act as if this section were not a local statutory provision for the purposes of section 88(1) (f) of that Act.
 - (b) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof, within the meaning of section 113 of the Water Resources Act 1991.
- (5) The Board shall take all such steps as may reasonably be required to secure that any water discharged by them under this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.
- (6) Any difference arising between the Board and a relevant authority under this section shall be referred to and settled by arbitration.