**Waverley Railway (Scotland) Act 2006**

2006 asp 13

**WAVERLEY RAILWAY (SCOTLAND) ACT 2006**

**PART 1**

**WORKS, ETC.**

1. Authority to construct works
2. The railway works
3. The ancillary works
4. Permitted deviation within limits
5. Access to works
6. Construction and maintenance of new or altered roads
7. Vesting of private roads
8. Private crossings
9. Permanent stopping up of roads

*Supplemental powers*

10. Temporary stopping up, alteration or diversion of roads
11. Discharge of water
12. Safeguarding works to buildings

**PART 2**

**LAND**

*Powers of acquisition*

13. Authority to acquire land
14. Acquisition of subsoil or rights
15. Purchase of specific new rights over land
16. Rights in roads or public places
17. Temporary use of land for construction of works
Compensation

18 Disregard of certain interests and improvements
19 Set-off of betterment against compensation
20 No double recovery

Supplementary

21 Acquisition of part of certain properties
22 Extinction or suspension of rights of way
23 Power to enter land for survey, etc.
24 Further powers of entry
25 Persons under disability may grant servitudes, etc.
26 Parliamentary plans and book of reference: adjustments agreed with landowners and correction of errors
27 Period for compulsory acquisition of land
28 Extension of time
29 Acquisition of land for Work No. 1B
30 Acquisition of land for Works Nos. 1C and 1E

PART 3
MISCELLANEOUS AND GENERAL

31 Power to fell, etc. trees or shrubs
32 Powers of disposal, agreements for operation, etc.
33 Statutory undertakers, etc.
34 Arbitration
35 Service of notices, etc.
36 Listed buildings and conservation areas
37 Saving for town and country planning
38 Interpretation of sections 39 and 40
39 Planning agreements
40 Application of developer contributions
41 Blighted land
42 Method of vesting land
43 Certification of plans, etc.
44 Registration of new rights
45 Mitigation of environmental impacts
46 Compliance with Code of Construction Practice and Noise and Vibration Policy
47 Works affecting the River Tweed Special Area of Conservation
48 Regulation of mitigation measures
49 Application of the Crichel Down Rules
50 Application of original enactments
51 Rights of the Scottish Ministers

PART 4
SUPPLEMENTARY

52 Incorporation of enactments
53 Interpretation
54 Short title
SCHEDULE 1 — Railway works
In the local government areas of Midlothian and Scottish Borders...
In the local government area of Midlothian—
Railway between the Millerhill Marshalling Yard and Old Dalkeith Road—...
Railway between Old Dalkeith Road and the Butlerfield Industrial Estate—...
Railway between Butlerfield Industrial Estate and Borthwick Mains Cottages— Work...
In the local government areas of Midlothian and Scottish Borders—...
Railway between Borthwick Mains Cottages and Cowbraehill— Work No. 4—A...
Railway between Cowbraehill and Stagebank— Work No. 5—A railway (5,000...)
In the local government area of Scottish Borders— Work No....
Railway between Stagebank and Hazelbank Quarry— Work No. 6—A railway...
Railway between Hazelbank Quarry and Stow— Work No. 7—A railway...
Railway between Stow and Bowland Bridge— Work No. 8—A railway...
Railway between Bowland Bridge and Torwoodlee— Work No. 9—A railway...
Railway between Torwoodlee and Tweedbank— Work No. 10—A railway (5,780...)

SCHEDULE 2 — Ancillary works
1 Stations, buildings, platforms, junctions and stopping places.
2 Bridges, subways, stairs, lifts, escalators, roundabouts and means of access....
3 Junctions and communications with, and widening of, any road, path...
4 Works for the provision of apparatus, plant or machinery and...
5 Works for the strengthening, underpinning, protection, alteration or demolition of...
6 Works or operations to stabilise the condition of any land...
7 Works to alter the course of, or otherwise interfere with,...
8 Works to alter the position of any existing apparatus or...
9 Without prejudice to the generality of paragraph 8 above, works...
10 Landscaping, ecological and other works to mitigate any adverse effects...
11 Works for the benefit or protection of premises affected by...
12 The removal by the authorised undertaker of any works constructed...
13 Such other works (of whatever nature) as may be necessary...

SCHEDULE 3 — Private crossings
Part 1 — CONTINUING PRIVATE CROSSES
Part 2 — PRIVATE CROSSINGS TO BE STOPPED UP AND DISCONTINUED

SCHEDULE 4 — Stopping up and diversion of roads
Part 1 — ROADS TO BE PERMANENTLY STOPPED UP
Part 2 — ROADS TO BE TEMPORARILY STOPPED UP
SCHEDULE 5 — Safeguarding works: procedure
1 Safeguarding works may be carried out— (a) at any time...
2 For the purpose of determining how the powers of section...
3 For the purpose of carrying out safeguarding works to a...
4 Before exercising— (a) a right under section 12 of this...
5 Where notice is served under paragraph 4(a), (c) or (d)... 
6 The authorised undertaker shall compensate the owners and occupiers of...
7 Where— (a) safeguarding works to a building are carried out...
8 Nothing in this schedule shall relieve the authorised undertaker from...
9 Any compensation payable under paragraph 7 above or under the...

SCHEDULE 6 — Acquisition of land, etc. outside limits of deviation
Part 1 — ACQUISITION OF LAND
Part 2 — ACQUISITION OF RIGHTS ONLY

SCHEDULE 7 — Land of which temporary possession may be taken

SCHEDULE 8 — Statutory undertakers, etc.
1 Subject to the provisions of this schedule, sections 224 to...
2 All such other provisions of the 1997 Act as apply...
3 In the provisions of the 1997 Act, as applied by...
4 Where any apparatus of a utility undertaker or of a...
5 Paragraph 4 above shall not apply in the case of...
6 The provisions of the 1997 Act mentioned in paragraphs 1...
7 In this schedule— “gas transporter” has the meaning given by...

SCHEDULE 9 — Listed buildings and conservation areas
1 (1) Subject to sub-paragraph (2) below, if a listed building...
2 Section 53 of the Listed Buildings Act (acts causing or...
3 In this schedule— “the Listed Buildings Act” means the Planning...

SCHEDULE 10 — Code of construction practice
1 Before commencing construction of the authorised works located in the...
2 The local planning authority shall send a copy of every...
3 The authorised undertaker may with the approval of the local...
4 The provisions of the code of construction practice and any...

SCHEDULE 11 — Works affecting the River Tweed Special Area of Conservation
Part 1 — WORKS REQUIRING SPECIAL MEASURES
1 This Part of this schedule applies to the sites specified...
2 The authorised undertaker shall not undertake any works for the...
3 The location of any work for the protection of river...
4 Before commencing the construction of any works, or carrying out...
5 The authorised undertaker shall secure that the code of construction...
6 Where and to the extent that any measure required by...
7 Any provision amending the code of construction practice pursuant to...
Part 2 — WORKS NOT REQUIRING SPECIAL MEASURES

SCHEDULE 12 — Provisions of original enactments applied to authorised works
Changes to legislation:
There are currently no known outstanding effects for the Waverley Railway (Scotland) Act 2006.