



Glasgow Airport Rail Link Act 2007

2007 asp 1

PART 4

SUPPLEMENTARY

47 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—
 - (a) the Lands Clauses Acts, except sections 120 to 124 of the 1845 Lands Act;
 - (b) the 1845 Act, except sections 1, 7 to 17, 19, 20, 22, 23, 25 to 37, 40 to 50, 52 to 56, 58, 59, 66, 68, 87 and 88; and
 - (c) in the Railways Clauses Act 1863 (c. 92), Part I (relating to construction of a railway) except sections 4 to 7.
- (2) This Act shall be deemed to be the special Act for the purposes of the enactments incorporated by subsection (1), and in the 1845 Act as so incorporated—
 - (a) sections 18 and 21 shall not apply in any case where the relations between the authorised undertaker and any other person are regulated by sections 143 and 144 of the 1991 Act;
 - (b) section 60 shall have effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles”.

48 Application of original railway enactments

- (1) As from—
 - (a) the acquisition of any land by the authorised undertaker, whether compulsorily or by agreement; or
 - (b) the entry on the land by the authorised undertaker under section 24,whichever is sooner, BRBR shall be discharged from any obligation to which it is subject in relation to that land under any statutory provision relating to a former railway.
- (2) In this section—

“BRBR” means BRB (Residuary) Limited (company no. 04146505) and its successors;

“a former railway” means any railway which had at any time prior to the passing of this Act been situated within the Act limits but which has not vested in Network Rail Infrastructure Limited (company no. 2904587 and formerly known as Railtrack PLC).

49 Disapplication of statutory and other restrictions on acquisition and use of certain land

- (1) Neither section 63 of the [Paisley Improvement Act 1877 \(c.cxlx\)](#) (Corporation to retain and ultimately lay out the racecourse land as a public park) nor any relevant restriction shall prevent the authorised undertaker acquiring under this Act such interest or rights as it requires for the purpose of the authorised works in land to which that section applies, and that section shall—
 - (a) cease to have effect in respect of so much of that land as is so acquired;
 - (b) not apply to any part of that land which is temporarily occupied or used by the authorised undertaker under this Act for the purpose of constructing or maintaining the authorised works during the period in which it is so occupied or used.
- (2) For the purpose of this section a relevant restriction is any restriction arising from the status of any land as land forming part of the common good of a local authority.

50 Rights of the Crown and Scottish Ministers

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown or the Scottish Ministers.
- (2) Without prejudice to the generality of subsection (1), nothing in this Act authorises the acquisition of land (including any rights or interests in land)—
 - (a) belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or
 - (b) held or used by a Minister of the Crown, a government department or the Scottish Ministers, without the consent in writing of that Minister or government department or of the Scottish Ministers.
- (3) A consent under subsection (2) may be given unconditionally or subject to terms and conditions.

51 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 \(c. 22\)](#);

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

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 (c. 8);

“the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223);

“the Act limits” means the limits of deviation, the limits of land to be acquired or used and the limits of land for safeguarding works;

“the ancillary works” has the meaning given by section 3;

“the authorised undertaker” means, at any time, the Strathclyde Partnership for Transport 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 comprising both the scheduled works and the ancillary works;

“book of reference” means the book of reference submitted to the Parliament as an accompanying document with 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 as to mitigate the impact of those works) dated 7 November 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 Glasgow Airport Rail Link Bill Committee to which the Bill for this Act was referred and includes any assessor appointed under Rule 9A.9.1B of the Standing Orders of the Parliament;

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

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

“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;

“the limits of land for safeguarding works” means the limits so described on the Parliamentary plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace; and “maintenance” shall be construed accordingly;

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

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

“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);

“the scheduled works” has the meaning given by section 2;

“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); and

“the tribunal” means the Lands Tribunal for Scotland.

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

- (2) Except in relation to section 4, any reference in any description of works, powers or land to area, distance, length or direction, or to a particular location, shall be construed as if qualified by the words “or thereby”.

52 Short title

This Act may be cited as the Glasgow Airport Rail Link Act 2007.