



Edinburgh Airport Rail Link Act 2007

2007 asp 16

PART 4

SUPPLEMENTARY

58 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—
- the Lands Clauses Acts, except sections 120 to 124 of the 1845 Lands Act;
 - 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
 - in the Railways Clauses Act 1863 (c. 92), section 12.
- (2) In construing the enactments incorporated with this Act—
- this Act shall be deemed to be the special Act;
 - the authorised undertaker shall be deemed to be the promoter of the undertaking or the company;
 - the authorised works shall be deemed to be the works or the undertaking;
 - sections 18 and 21 of the 1845 Act 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; and
 - section 60 of the 1845 Act 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”.

59 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Status: This is the original version (as it was originally enacted).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 Act limits” means the limits of deviation and the limits of land to be acquired or used;

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

“associated land”, in relation to a road or private access, means the land on which the road or access is constructed, together with any other land acquired by the authorised undertaker under this Act for the purpose of such construction;

“the authorised undertaker” means, in relation to any event or thing before this Act comes into force, **tie** and at any time thereafter, **tie** or such other person as is at that time designated as authorised undertaker in a transfer agreement made pursuant to section 39;

“the authorised works” means the works authorised by this Act;

“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 to mitigate the impact of those works) dated 19 February 2007, 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 Edinburgh Airport Rail Link Bill Committee to which the Bill for this Act was referred, and includes any assessor appointed in respect of that Bill 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;

“EAL” means Edinburgh Airport Limited (company no. SC96623) whose registered office is at St Andrew’s Drive, Glasgow Airport, Paisley, PA3 2SW, and includes any successor to that company as operator of Edinburgh Airport;

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

“limits of deviation” means the limits so described on the Parliamentary plans;

“limits of land to be acquired or used” means the limits so described on the Parliamentary plans;

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

“local construction plan” means a code of practice intended to define, and from time to time redefine, the authorised undertaker’s policy in relation to construction practice to be adopted in the carrying out of the authorised works within an area specified in that plan;

“mitigation commitment document” means a document setting out the authorised undertaker’s commitments in terms of policy, plans or measures for mitigation of the environmental impacts of the authorised works or their construction;

“Network Rail” means Network Rail Infrastructure Limited (company no. 2904587) whose registered office is at 40 Melton Street, London NW1 2EE and any other of the Network Rail group of companies which holds property for railway purposes;

“operational land of Edinburgh Airport” means the land (including the land mentioned in section 36(2)) forming part of Edinburgh Airport that is used, or in which an interest is held, by EAL or any other company in the group of

companies to which EAL belongs, for the purposes of EAL’s undertaking as operator of Edinburgh Airport;

“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;

“private road” means any road which a roads authority does not have a duty to maintain;

“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;

“**tie**” means **tie** Limited (company no. SC230949) whose registered office is at City Chambers, High Street, Edinburgh, Midlothian, EH1 1YJ; and

“the tribunal” means the Lands Tribunal for Scotland.

- (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”.

60 Rights of the Crown, Government departments and Scottish Ministers

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of 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) 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.

61 Short title

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