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SCHEDULE

BRITISH RAILWAYS (NO. 2)

PART II

WORKS, ETC.

Works

Power to make railway

- 4 Subject to the provisions of this Order, the Board may, in the line or situation and within the limit of deviation shown on the deposited plan and according to the levels shown on the deposited section, make and maintain the following work in the Clackmannan District, Central Region, with all necessary works and conveniences connected therewith:—

(Railway between Cambus and Alloa)

Work No. 1—The railway (3,530 metres in length), being a reinstatement of part of the former Stirling to Dunfermline Railway, commencing at Cambus by a junction with the Stirling to Menstrie Railway at a point 14 metres north-west of Station Road and terminating at Alloa at a point on the former Stirling to Dunfermline Railway 142 metres east of the bridge carrying the footpath known as Station Bridge over the site of the last-mentioned railway.

Level crossings of Station Road, Cambus, and Grange Road, Alloa

- 5 (1) In this section—
“the level crossings” means the level crossings provided under subsection (2) below, or either of them; and
“traffic sign” has the same meaning as in the Road Traffic Regulation Act 1984.
- (2) The Board may in the construction of Work No. 1 provide level crossings comprising a single line of railway across and on the level of—
(a) Station Road, Cambus; and
(b) Grange Road, Alloa;
(which roads are respectively numbered on the deposited plan 3 and 5 in the Clackmannan District), but shall not be required to erect or maintain a station or lodge thereat.
- (3) (a) The Board may, with the consent in writing of the Secretary of State and subject to such requirements as he may from time to time lay down, provide, maintain and operate at or near the level crossings such barriers, lights, traffic signs, and automatic or other devices and appliances as may be approved by the Secretary of State.
(b) So long as the consent referred to in paragraph (a) above continues in force, the provisions (in so far as they are inconsistent with any such consent) of the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation

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Act 1842, section 40 of the Act of 1845 and section 6 of the Railways Clauses Act 1863 shall not apply to the level crossings.

- (c) 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 display of a traffic sign by the Board as if it were a traffic sign erected and displayed by a traffic authority within the meaning of that Act.

Power to deviate

- 6 (1) In the construction of Work No. 1, the Board may—
- (a) deviate from the line or situation thereof shown on the deposited plan to the extent of the limit of deviation; and
 - (b) subject to subsection (2) below, deviate vertically from the levels shown on the deposited section to any extent not exceeding 1 metre upwards or downwards.
- (2) Subsection (1)(b) above shall not apply to the construction of Work No. 1 across and on the level of Station Road, Cambus, and Grange Road, Alloa.

Station works at Alloa

- 7 In the construction of Work No. 1, the Board may—
- (a) on any part of the land numbered on the deposited plan 16, 17, 20 and 21 in the Clackmannan District which lies within the line marked “Limit of station works” on the deposited plan make, maintain and operate a station at Alloa for the purposes of serving that work, with all necessary works and conveniences connected therewith; and
 - (b) form and lay out means of pedestrian access at the point marked “A” on the deposited plan from and to Station Bridge to and from that station.

General works provisions

Temporary stoppage of roads

- 8 (1) The Board, during and for the purpose of the execution of Work No. 1, may temporarily stop up and divert and interfere with the specified roads, or either of them, and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the specified roads, or either of them, from passing along and using the same.
- (2) The Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.
- (3) (a) The Board shall not exercise the powers of this section without the consent of the road works authority.
- (b) Any such consent may be given subject to such reasonable conditions as the road works authority may require but shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld or whether any such condition is reasonable shall be determined by arbitration.
- (4) In this section—

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“the specified roads” means so much of Station Road, Cambus, and Grange Road, Alloa, as is numbered on the deposited plans 3 and 5, respectively, in the Clackmannan District; and

“road works authority” has the meaning assigned to it by section 108 of the Act of 1991.

Underpinning of buildings near works

9 The Board at their own expense may, subject as hereinafter provided, underpin or otherwise strengthen any building within 30 metres of any part 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 building intended to be so underpinned or otherwise strengthened:
- (2) If any owner, lessee or occupier of any such building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be determined by arbitration; and, if the arbiter decides that such underpinning or strengthening is not necessary, the Board shall not proceed therewith:
- (3) In any case in which any 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 5 years after the opening for traffic of that work, after giving reasonable notice to the occupier, enter upon and survey such building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:
- (4) The Board shall be liable to compensate the owner, lessee and occupier of every such building for any loss or damage which may result to them by reason of the exercise of the powers of this section:
- (5) Nothing in this section shall affect liability to compensate under any enactment in respect of loss or damage arising from the execution of any works, except so far as compensation is payable under paragraph (4) above:
- (6) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Land Compensation (Scotland) Act 1963.

Use of sewers, etc., for removing water

- 10 (1) 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 vested in, or under the control of, the regional council, 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 limit of deviation.
- (2) The Board shall not—
- (a) discharge any water into any such sewer or drain except with the consent of the regional council, whose consent shall not be unreasonably withheld, and subject to such terms and conditions (including the taking of steps to remove

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as far as may be reasonably practicable from water so discharged any gravel, soil or other solid substance or matter in suspension) as the regional council may reasonably impose; or

- (b) make any opening into any such sewer or drain except in accordance with plans approved by, and under the superintendence (if given) of, the regional council but approval of those plans by the regional council shall not be unreasonably withheld.
- (3) Any difference arising between the Board and the regional council under this section shall be determined by arbitration.
 - (4) Section 31 of the Control of Pollution Act 1974 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning assigned to that expression by section 30A(1) of that Act as if this section were not a provision of a local Act or a statutory order for the purposes of section 31(2)(b)(ii) of that Act.
 - (5) Nothing in this section shall affect the operation of Part IV of the Act of 1991.
 - (6) In this section “the regional council” means the Central Regional Council.