



British Railways Act 1993

1993 CHAPTER iv

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. 1 to 3, 5 and 6

6 Appropriation of works for Works Nos. 1 to 3, 5 and 6

(1) In this section and in Schedule 2 to this Act—

“the original enactments” means the enactments specified in columns (1) and (2) of that Schedule;

“the original works” means the works authorised by the original enactments described in column (3) of that Schedule as lie within the limits of deviation of a relevant work; and

“the relevant works” means Works Nos. 1 to 3, 5 and 6, or any of them, as specified in that Schedule.

(2) If the Board proceed with the construction of a relevant work, they may hold, use and appropriate such part of the original works as they may require for the purposes of that relevant work and shall be relieved of the obligation to maintain the original works for the purposes of the original enactments.

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- (3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the original enactments in relation to the original works 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 Work No. 4

7 Transitional provisions

- (1) In this section—

“the bridge” means a bridge to carry the railway over the main new trunk road referred to in article 1 (2) of, and Schedule 1 to, The North-West of Doncaster-Kendal Trunk Road (Airedale Route) (Bingley to Cottingley Bar Section and Slip Roads) Order 1991 proposed to be constructed by the Secretary of State;

“the railway” means that part of the Leeds and Skipton Railway at Bingley in the city of Bradford authorised by the special enactment as lies between the points of commencement and termination of Work No. 4; and

“the special enactment” means the Act 8 & 9 Vict. intituled “An Act for enabling the Leeds and Bradford Railway Company to make a Railway from Shipley to Colne, with a branch to Haworth.”

- (2) Upon completion of the bridge, the Board may—
- (a) restore the railway which existed prior to the construction and opening for traffic of Work No. 4;
 - (b) resume operation and maintenance of the railway under the powers and obligations conferred or imposed upon the Board by the special enactment; and
 - (c) remove Work No. 4.

Provisions relating to Work No. 9

8 Level crossing of Fenton Lane, Sherburn in Elmet, by Work No. 9

- (1) In this section “the level crossing” means a level crossing comprising a single line of railway across and on the level of Fenton Lane, being numbered on the deposited plans 7 in the parish of Sherburn in Elmet, district of Selby.
- (2) The Board may in the construction of Work No. 9 provide the level crossing 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 crossing such 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

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specified enactments, except sections 5 and 7 of the Act of 1863, shall not apply to the level crossing.

Provisions relating to Work No. 10

9 Marholm level crossing, Peterborough

(1) In this section—

“the footbridge” means the footbridge (No. 189A) over the East Coast Main Line at Marholm level crossing (reference point TF 1545:0359) in the city of Peterborough;

“the footpath” means the footpath carried by the footbridge;

“the road” means Hurn Road which is crossed on the level by the Peterborough and Stamford Railway and the East Coast Main Line at Marholm level crossing; and

“the specified provision” means section 23 (Stopping up, etc., of footpaths) of, and Schedule 2 to, the British Railways (No. 2) Act 1986.

- (2) (a) Subject to paragraph (b) below, the Board may stop up and discontinue the road between points X and Y and the footpath between points C and D.
- (b) Upon the stopping up of the road and footpath under paragraph (a) above the Board shall provide a new footpath between points C, E and F, to be carried over the Peterborough and Stamford Railway by means of the extended footbridge, Work No. 10.
- (3) (a) The Board shall relinquish the power conferred by the specified provision in its application to the footpath and the footbridge and, notwithstanding anything to the contrary in the specified provision, shall be free of any obligation respecting the footbridge under section 10 (Power to cross certain roads on the level) of the Great Northern Railway Act 1891.
- (b) In the preface to Part I of Schedule 6 to the British Railways (No. 2) Act 1986, the words “In consequence of section 23 (2) (b) of this Act” shall be omitted.

Provisions relating to Works Nos. 11A and 11B

10 Level crossing of railway by Work No. 11B

- (1) In this section “the new level crossing” means the crossing on the level of the Carnforth and Whitehaven Railway by Work No. 11B.
- (2) 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 lights, traffic signs and automatic or other devices or appliances as may be approved by the Secretary of State.

11 Ancillary works at Foxfield

The Board may, within the limits of deviation of Works Nos. 11A and 11B, or either of them, make junctions with and alter the line or level of any road or way by, or contiguous to, those works, or either of them, and execute any works including works for the protection of any adjoining land or building.

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12 Stopping up, etc., of existing ways at Foxfield

(1) In this section—

“Angerton No. 3 crossing” means the level crossing of that name (reference point SD 2118:8505) at Foxfield in the district of South Lakeland, parish of Broughton West, whereby the track linking the U.5085 road with land on the north-east side of the Carnforth and Whitehaven Railway is crossed on the level by that railway;

“the footpath” means a new footpath across and on the level of the said railway at Skelly Crag crossing between points A and B within the line marked “Limit of footpath” on the deposited plans; and

“Skelly Crag crossing” means the level crossing of that name (reference point SD 2106:8519) at Foxfield aforesaid whereby the U.5085 road is crossed on the level by the said railway.

- (2) (a) Subject to paragraph (b) below, the Board may stop up and discontinue—
- (i) the U.5085 road at Skelly Crag crossing between points C and D; and
 - (ii) the track at Angerton No. 3 crossing between points E and F.
- (b) The stopping up of the U.5085 road and the track under paragraph (a) above shall not take place until the Board have completed and opened for public use Works Nos. 11A and 11B and the footpath.
- (c) Upon the stopping up of the U.5085 road between points C and D, the specified enactments shall cease to apply to Skelly Crag crossing.
- (3) Any person who suffers loss by the extinguishment under this section of any private rights of way over Angerton No. 3 crossing shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

Road, footpaths, etc.

13 Stopping up portion of Slate Lane and new footpath at Guide Bridge, Tameside

The Board may—

- (a) stop up and discontinue so much of Slate Lane at Guide Bridge in the metropolitan borough of Tameside as crosses the course of the former railway between Crowthorne and Stockport Junctions by means of a bridge and as lies between points A and B; and
- (b) provide a new footpath between points C and D within the line marked “Limit of footpath” on the deposited plans.

14 Stopping up footpath at Little Bridgeford, Staffordshire

(1) In this section—

“the definitive map and statement” has the same meaning as in section 53 of the Wildlife and Countryside Act 1981; and

“the footpath” means the footpath at Little Bridgeford in the borough of Stafford, parish of Seighford, Staffordshire, shown in the definitive map and statement as connecting the A.5013 road with Worston Lane.

- (2) (a) The Board may stop up and discontinue so much of the footpath crossing the railway between Stafford and Norton Bridge stations by means of a footbridge

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215 metres north-west of the bridge carrying Worston Lane over that railway as lies within the boundaries of their property at that footbridge.

- (b) Upon the stopping up of the said footpath the Board may take down and remove the said footbridge.

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 without providing substitute

- (1) Where this Act authorises the stopping up of a highway or part thereof without providing a substitute, such stopping up shall not take place until the Board are in possession of all lands abutting on both sides of that part of the highway except so far as the owners, lessees and occupiers of those lands may otherwise agree.
- (2) On the stopping up of any highway or part thereof under this Act all rights of way over or along the highway or part so stopped up shall be extinguished.
- (3) 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 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.

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18 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.

19 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.

20 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.

21 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)
 - (a) The Board shall not exercise the powers of this section without the consent of the highway authority.
 - (b) Any such consent may be given subject to such reasonable conditions as the highway 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 referred to and settled by arbitration.

22 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:—

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- (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 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.

23 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.

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- (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.

Level crossings

24 Stopping up, etc., level crossings

- (1) In this section—
- “Bryn-y-Gwynnon crossing” means Bryn-y-Gwynnon level crossing (reference point SS 9820:8266) in the borough of Taff-Ely, community of Llanharan, Mid Glamorgan, whereby the road between Llanilid and Brynna is crossed by the railway between Cardiff and Bridgend stations;
- “Heath crossing” means Heath No. 59 level crossing (reference point TM 0151:8954) in the district of Breckland, parish of Quidenham, Norfolk, whereby Heath Road is crossed by the railway between Harling Road and Eccles Road stations; and
- “the level crossings” means Bryn-y-Gwynnon crossing and Heath crossing.
- (2) Subject to the provisions of this Act, the Board may stop up and discontinue the roads at the level crossings within the boundaries of their property.
- (3) Upon the stopping up of the roads under subsection (2) above the specified enactments shall cease to apply to the level crossings.
- (4) (a) The stopping up under this section of the road at Bryn-y-Gwynnon crossing shall not affect the right of persons to use that crossing on foot and the Board shall provide and maintain gates or stiles on both sides of the railway at that crossing.
- (b) The stopping up under this section of the road at Heath crossing shall not affect the right of persons to use that crossing as a bridleway and the Board shall provide and maintain gates on both sides of the railway at that crossing.
- (5) Any person who suffers loss by the extinguishment under this section of any private rights of way over the level crossings shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

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25 Aberleri level crossing, Borth, Dyfed

- (1) (a) In this section “Aberleri crossing” means the accommodation level crossing of that name (reference point SN 6095:9213) at Borth in the district of Ceredigion, community of Borth, Dyfed, whereby the private road connecting the caravan and leisure park of Sunbourne Leisure Limited with the B.4353 road is crossed by the railway between Dovey Junction and Borth stations.
- (b) For the purpose of the application of section 64 of the Road Traffic Regulation Act 1984 and section 36 of the Road Traffic Act 1988 to a traffic sign provided under subsection (2) below, the said private road shall be deemed to be a road within the meaning of those Acts.
- (2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board may, subject to such requirements as the Secretary of State may from time to time lay down, maintain and operate at or near Aberleri crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.
- (3) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under subsection (2) above.

26 Allen’s level crossing, Llwyngwril, Gwynedd

- (1) (a) In this section “Allen’s crossing” means the accommodation level crossing of that name (formerly Tyddin Ithel crossing) (reference point SH 5821:0878) at Llwyngwril in the district of Meirionnydd, community of Llangelynin, Gwynedd, whereby the private road connecting Allen’s Caravan Park with the A.493 road is crossed by the railway between Tonfanau and Llwyngwril stations.
- (b) For the purpose of the application of section 64 of the Road Traffic Regulation Act 1984 and section 36 of the Road Traffic Act 1988 to a traffic sign maintained under subsection (2) below, the said private road shall be deemed to be a road within the meaning of those Acts.
- (2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board may, subject to such requirements as the Secretary of State may from time to time lay down, maintain and operate at or near Allen’s crossing such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.
- (3) Nothing in this section shall impose upon a highway authority any liability in respect of a traffic sign provided under subsection (2) above.

27 Reduction in status of level crossings

- (1) In this section—
 - “the level crossings” means Dinting Lane crossing, Marley Green crossing and Wing crossing, or any of them;
 - “Dinting Lane crossing” means Dinting Lane level crossing (reference point SK 0237:9450) in the borough of High Peak, parish of Glossop, Derbyshire, whereby Dinting Lane is crossed by the railway between Dinting and Glossop stations;

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“Marley Green crossing” means Marley Green level crossing (reference point SJ 5818:4570) in the borough of Crewe and Nantwich, parish of Marbury cum Quoisley, Cheshire, whereby the road between Hollyhurst and Marbury is crossed by the railway between Whitchurch and Nantwich stations; and

“Wing crossing” means Wing level crossing (reference point SK 8969:0343) in the district of Rutland, parish of Wing, Leicestershire, whereby Edith Weston Road is crossed by the railway between Oakham and Stamford stations.

- (2) (a) All rights of way over the level crossings, other than a right for all persons to use those crossings as bridleways, are hereby extinguished and the Board shall provide and maintain gates on both sides of the railway at the level crossings.
- (b) The specified enactments shall cease to apply to the level crossings.
- (3) The level crossings, including the gates thereof (other than the gates provided under subsection (2) (a) above) and the lifting barriers already provided in substitution for the vehicular gates at Dinting Lane crossing, shall be deemed to be works provided by the Board at the passing of this Act under section 68 of the Act of 1845 for the accommodation of the owners and occupiers of land adjoining the railway and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any land the use of which would have been interrupted if the level crossings had been closed at the passing of this Act.
- (4) If any part of the roads crossed by the railway at Dinting Lane and Marley Green crossings at any time ceases, in consequence of this section, to be a road over which the public has a right of way for the passage of vehicles, the owners and occupiers of the land abutting on such part shall have such rights of passage thereover as shall be necessary to enable them to pass and repass (with or without vehicles) to and from the said land from and to the level crossings.
- (5) Any person who suffers loss by the extinguishment under this section of any private rights of way over the level crossings shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.
- (6) Section 75 of the Act of 1845 shall have effect in its application to Dinting Lane crossing as if after the words “or to lower” there were inserted the words “and lock”.