
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULE

BRITISH RAILWAYS (NO. 3)

PART II

WORKS, ETC.

General works provisions

Temporary stoppage of roads

- 9 (1) The Board, during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road 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 road 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) The provisions of this section shall not apply to any road of which temporary possession is taken under section 16 (Temporary use of land) of this Order.

Underpinning of buildings near works

- 10 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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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

- 11 (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 limits 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 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.