
STATUTORY INSTRUMENTS

2014 No. 1604

The Swanage Railway Order 2014

Transfer of rights and obligations to undertaker, etc.

3.—(1) Except as may be otherwise provided in this Order, as from the relevant date—

- (a) the railway or any part of it continues to be subject to all statutory and other provisions applicable to the railway at that date (in so far as those provisions continue in force and are capable of taking effect); and
- (b) the undertaker is to the exclusion of Network Rail—
 - (i) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the railway or any part of it; and
 - (ii) subject to paragraph (2), subject to all obligations, statutory or otherwise, relating to the railway or any part of it (in so far as those provisions continue in force and are capable of taking effect), with Network Rail released from all such obligations.

(2) As from the relevant date sections 116 (transfer of responsibility for maintenance of highways on bridges over certain railways, inland waterways, etc.) to 118 (duty of highway authorities, etc., as respects bridges over certain railways or inland waterways) of the Transport Act 1968⁽¹⁾ apply to the railway or to the relevant part of it as if references to the British Railways Board were references to the undertaker.

⁽¹⁾ 1968 c. 73; section 116 was amended by the Local Government Act 1972 (c. 70), section 272 and Schedule 30, S.I. 1996/420, S.I. 2003/1615 and S.I. 2012/1659; section 117 was amended by the Road Traffic Regulation Act 1984 (c. 27), section 146 and Schedule 13, paragraph 7, S.I. 1996/420, S.I. 2000/3251, S.I. 2003/1615, S.I. 2012/1659, S.I. 2013/2314; section 118 was amended by the New Roads and Street Works Act 1991 (c. 22), section 168(2) and Schedule 9, S.I. 1996/420, S.I. 2003/1615, S.I. 2012/1659, 2013/2314.