



Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004

2004 asp 10

PART 4

SUPPLEMENTARY

37 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—
- (a) the Lands Clauses Acts, except sections 120 to 124 and section 127 of the 1845 Lands Act;
 - (b) the 1845 Act, except sections 1, 7, 8, 9, 17, 19, 20, 22 and 23; and
 - (c) in the Railways Clauses Act 1863 (c. 92), Part I (relating to construction of a railway) except sections 13, 14 and 19.
- (2) This Act shall be deemed to be the special Act for the purposes of the enactments incorporated by subsection (1) above.

38 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);
 - “the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 (c. 8);
 - “the ancillary works” has the meaning given by section 4 above;
 - “the authorised undertaker” means, at any time, Clackmannanshire Council or such other person or persons in whom are vested at that time some or all of the functions conferred by this Act concerning the authorised works;

“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;

“construction” includes execution, placing, alteration and reconstruction and demolition; and “construct” and “constructed” have corresponding meanings;

“the continuing level crossings” has the meaning given by section 8(1) above;

“the continuing private crossings” has the meaning given by section 9(1) above;

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

“the existing enactments” means any enactment by which any part of the existing railways was authorised;

“the existing railways” means so much of any railway or former railway as is situated within the limits of deviation and is in existence on the date of the coming into force of this Act;

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

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

“the major road works” has the meaning given by section 3 above;

“Network Rail” means Network Rail Infrastructure Ltd (Company No. 2904587 (England)) 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;

“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;

“the railway works” has the meaning given by section 2 above;

“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); and

“the tribunal” means the Lands Tribunal for Scotland.

- (2) Except in relation to section 9 above, all directions, distances and lengths stated in any description of works, powers or lands in this Act shall be construed as if the words “or thereby” were inserted after each such direction, distance and length.

39 Short title

This Act may be cited as the Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004.