



Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

PART 4

SUPPLEMENTARY

57 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 to 17, 19, 20, 22, 23, 25 to 37, 40 to 50, 52 to 56, 58, 59, 66, 68, 87 and 88; and
 - (c) in the Railways Clauses Act 1863 (c. 92), section 12.
- (2) In construing the enactments incorporated with this Act—
- (a) this Act shall be deemed to be the special Act;
 - (b) the authorised undertaker shall be deemed to be the promoter of the undertaking or the company;
 - (c) the authorised works shall be deemed to be the works or the undertaking;
 - (d) sections 18 and 21 of the 1845 Act shall not apply in any case where the relations between the authorised undertaker and any other person are regulated by sections 143 and 144 of the 1991 Act; and
 - (e) section 60 of the 1845 Act shall have effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles”.

58 Interpretation

- (1) In this Act—
- “the 1845 Act” means the Railways Clauses Consolidation (Scotland) Act 1845 (c. 33);

Status: This is the original version (as it was originally enacted).

“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 3;

“associated land”, in relation to a private road or private access, means the land on which the road or access is constructed, together with any other road or land acquired by the authorised undertaker under this Act for the purpose of such construction;

“the authorised undertaker” means, at any time, Network Rail or such other person or persons in whom are vested at that time some or all of the functions conferred by this Act on the authorised undertaker;

“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;

“code of construction practice” means the edition of the Code of Construction Practice (which sets out the measures to be employed in the construction of the authorised works so to mitigate the impact of those works) dated 23 March 2007, a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act;

“the Committee” means the Airdrie-Bathgate Railway and Linked Improvements Bill Committee to which the Bill for this Act was referred, and includes any assessor appointed in respect of that Bill under Rule 9A.9.1B of the Standing Orders of the Parliament;

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

“cyclepath” means a road over which the public right of passage is only by foot, by pedal cycle or on horseback;

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

“the former railway” means any railway which no longer exists but which, prior to the passing of this Act, was situated within the limits of deviation of Work No. 1;

“functions” includes powers, duties and obligations;

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

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

“mitigation commitment document” means a document setting out the authorised undertaker’s commitments in terms of policy, plans or specific measures for mitigation of the environmental impacts of the authorised works or their construction;

“Network Rail” means Network Rail Infrastructure Limited (company no. 2904587) 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;

“operational land” has the meaning given by section 215 of the 1997 Act;

“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;

“private road” means any road which a roads authority does not have a duty to maintain;

“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);

“the scheduled works” has the meaning given by section 2;

“the tribunal” means the Lands Tribunal for Scotland.

- (2) Except in relation to section 4, any reference in any description of works, powers or land to area, distance, length or direction, or to a particular location shall be construed as if qualified by the words “or thereby”.

59 Rights of Scottish Ministers

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Scottish Ministers.
- (2) Without prejudice to the generality of subsection (1), nothing in this Act authorises the acquisition of land (including any rights or interests in land) held or used by a minister of the Crown, a government department or the Scottish Ministers without the consent in writing of that minister or government department or of the Scottish Ministers.
- (3) A consent under subsection (2) may be given unconditionally or subject to terms and conditions.

60 Short title

This Act may be cited as the Airdrie-Bathgate Railway and Linked Improvements Act 2007.