



# Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

## PART 3

### MISCELLANEOUS AND GENERAL

#### 41 Historic obligations relating to former railway

- (1) As from—
- the acquisition of any land by the authorised undertaker, whether compulsorily or by agreement; or
  - the entry on the land by the authorised undertaker under section 29,
- whichever occurs earlier, BRBR shall be discharged from any obligation to which it is subject in relation to that land under any statutory provision in a private Act or provisional order specifically relating to the former railway, including any provision of the 1845 Act or the Railways Clauses Act 1863 (c. 92) that is incorporated in such a private Act or provisional order.
- (2) As from the date of such discharge, all access and other rights (wherever exercisable) in respect of any structure located on land mentioned in subsection (1)(a) and of which, immediately before the discharge, BRBR had the benefit, being rights which arise under a statutory provision of the sort mentioned in subsection (1), shall have effect for the benefit of the authorised undertaker as statutory successor to BRBR in respect of any such structure.
- (3) In this section—
- “BRBR” means BRB (Residuary) Limited (company no. 04146505) and its successors;
- “the former railway” means any railway which at any time prior to the passing of this Act, was situated within the limits of deviation of Work No. 1, Work No. 1A or Work No. 1AA;
- “provisional order” means an order made under the Private Legislation Procedure (Scotland) Act 1936 (c. 52) or any earlier Act which that Act replaced.