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## SCHEDULE

### BRITISH RAILWAYS (NO. 3)

#### PART I

##### PRELIMINARY

###### *Short title*

- 1 This Order may be cited as the British Railways (No. 3) Order 1994.

###### *Interpretation*

- 2 (1) In this Order, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have the same respective meanings; and—
- “the Act of 1845” means the Railways Clauses Consolidation (Scotland) Act 1845;
  - “the Act of 1991” means the New Roads and Street Works Act 1991;
  - “the Board” means the British Railways Board;
  - “enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
  - “the limits of deviation” means the limits of deviation shown on the deposited plans;
  - “the regional council” means the Strathclyde Regional Council;
  - “road” has, except in section 31 (For protection of roads and road traffic, etc.) of this Order, the meaning assigned to it by section 107 of the Act of 1991;
  - “road works authority” has the meaning assigned to it by section 108 of the Act of 1991;
  - “the sheriff” means the sheriff principal of, or any sheriff appointed for, the Sheriffdom of South Strathclyde, Dumfries and Galloway;
  - “the tribunal” means the Lands Tribunal for Scotland; and
  - “the works” means the works authorised by Part II (Works, etc.) of this Order.
- (2) Except in relation to section 8 (Power to deviate) of this Order, all directions, distances and lengths stated in any description of works, powers or lands in this Order shall be construed as if the words “or thereby” were inserted after each such direction, distance and length.
- (3) Any reference in this Order to a work identified by the number of that work shall be construed as a reference to the work of that number authorised by this Order.
- (4) References in this Order to points identified by letters shall be construed as references to the points so lettered on the deposited plans.
- (5) References in this Order to access to any place shall include reference to egress from that place.

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*Incorporation of enactments.*

- 3 (1) The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with this Order, and this Order shall be deemed to be the special Act for the purposes of the said incorporated enactments:—
- (a) the Lands Clauses Acts, except sections 120 to 124 and section 127 of the Lands Clauses Consolidation (Scotland) Act 1845;
  - (b) the Act of 1845, except sections 1, 7, 8, 9, 17, 19, 20, 22 and 23 thereof; and
  - (c) in the Railways Clauses Act 1863, Part I (relating to construction of a railway) except sections 13, 14, 18 and 19 thereof.
- (2) (a) In the application of the enactments incorporated by subsection (1) (b) and (c) above the expression “the company” means the Board.
- (b) Sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of Part IV of the Act of 1991 or by section 29 (For protection of electricity, gas and water undertakers) of this Order.