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## SCHEDULE

### BRITISH RAILWAYS (NO. 3)

#### PART II

#### WORKS, ETC.

##### *Works*

##### *Power to make railway*

- 4 Subject to the provisions of this Order, the Board may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the following works in the Hamilton District, Strathclyde Region, with all necessary works and conveniences connected therewith:—

##### *(Railway between Hamilton and Larkhall)*

A reinstatement of part of the former railway between Hamilton and Stonehouse comprising—

Work No. 1 A railway (2,325 metres in length) commencing at Ferniegair by a junction with the Hamilton to Motherwell Railway at a point 160 metres north-east of the bridge carrying Carlisle Road (A74) over that railway and terminating at a point on the said former railway 130 metres west of the bridge carrying Lanark Road (A72) over that former railway; and

Work No. 2 A railway (2,328 metres in length) commencing by a junction with the termination of Work No. 1 and terminating at Larkhall at a point on the said former railway 68 metres north-west of the junction of Caledonian Road with Macneil Street.

##### *Application of Act of 1845 to certain existing bridges*

- 5 (1) In this section “the existing bridges” means the bridges in Hamilton District carrying Clyde Avenue and Hamilton Road over the route of the former railway between Hamilton and Stonehouse.
- (2) Nothing in the Act of 1845, as incorporated with this Order, shall be taken to—
- (a) require the Board in constructing Works Nos. 1 and 2 beneath the existing bridges to alter or reconstruct those bridges, or
  - (b) impose any responsibility on the Board for the repair and maintenance of those bridges.

##### *Station works at Larkhall*

- 6 In the construction of Works Nos. 1 and 2, the Board may—
- (a) on any part of the land numbered 34 in the Hamilton District which lies within the line marked “Limit of station works” on the deposited plans make, maintain and operate at Larkhall a railway station for the purpose of serving those works, with all necessary works and conveniences connected therewith; and
  - (b) form and lay out means of pedestrian access at points C, D and E from Caledonian Road to that station.

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### *Stopping up of paths*

- 7 (1) Subject to the provisions of this Order, the Board may in connection with the construction of Works Nos. 1 and 2 stop up and discontinue—
- (a) so much of the path between Fairholm Street and High Avon Street, Larkhall, as lies between points X, Y and Z; and
  - (b) so much of any other path as lies within the limits of deviation other than the path between Fairholm Street and Glen View Park, Larkhall.
- (2) After any stopping up under subsection (1) above all rights of way over or along the path or portion thereof authorised to be stopped up shall be extinguished and the Board may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, appropriate without making any payment therefor and use for the purposes of their undertaking the site thereof.
- (3) The Board shall, at least seven days before exercising the powers of subsection (1) above, post notices at each end of every defined path or portion thereof which they intend to stop up stating that they intend to stop it up and setting out the effect of subsection (4) below.
- (4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

### *Power to deviate*

- 8 In the construction of the works the Board may—
- (a) deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation; and
  - (b) deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards.

### *General works provisions*

#### *Temporary stoppage of roads*

- 9 (1) The Board, during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road from passing along and using the same.
- (2) The Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.
- (3) (a) The Board shall not exercise the powers of this section without the consent of the road works authority.
- (b) Any such consent may be given subject to such reasonable conditions as the road works authority may require but shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld or whether any such condition is reasonable shall be determined by arbitration.
- (4) The provisions of this section shall not apply to any road of which temporary possession is taken under section 16 (Temporary use of land) of this Order.

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### *Underpinning of buildings near works*

- 10 The Board at their own expense may, subject as hereinafter provided, underpin or otherwise strengthen any building within 30 metres of any part of the works and the following provisions shall have effect:—
- (1) At least 14 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the building intended to be so underpinned or otherwise strengthened:
  - (2) If any owner, lessee or occupier of any such building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be determined by arbitration; and, if the arbiter decides that such underpinning or strengthening is not necessary, the Board shall not proceed therewith:
  - (3) In any case in which any building shall have been underpinned or strengthened under the powers of this section the Board may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which such underpinning or strengthening was done, or within 5 years after the opening for traffic of that work, after giving reasonable notice to the occupier, enter upon and survey such building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:
  - (4) The Board shall be liable to compensate the owner, lessee and occupier of every such building for any loss or damage which may result to them by reason of the exercise of the powers of this section:
  - (5) Nothing in this section shall affect liability to compensate under any enactment in respect of loss or damage arising from the execution of any works, except so far as compensation is payable under paragraph (4) above:
  - (6) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Land Compensation (Scotland) Act 1963.

### *Use of sewers, etc., for removing water*

- 11 (1) The Board may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain vested in, or under the control of, the regional council, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation.
- (2) The Board shall not—
- (a) discharge any water into any such sewer or drain except with the consent of the regional council, whose consent shall not be unreasonably withheld, and subject to such terms and conditions (including the taking of steps to remove as far as may be reasonably practicable from water so discharged any gravel, soil or other solid substance or matter in suspension) as the regional council may reasonably impose; or
  - (b) make any opening into any such sewer or drain except in accordance with plans approved by, and under the superintendence (if given) of, the regional

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council but approval of those plans by the regional council shall not be unreasonably withheld.

- (3) Any difference arising between the Board and the regional council under this section shall be determined by arbitration.
- (4) Section 31 of the Control of Pollution Act 1974 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning assigned to that expression by section 30A (1) of that Act as if this section were not a provision of a local Act or a statutory order for the purposes of section 31 (2) (b) (ii) of that Act.
- (5) Nothing in this section shall affect the operation of Part IV of the Act of 1991.