
STATUTORY INSTRUMENTS

2000 No. 2585

**The Great Central Railway (East
Leake Branch, etc.) Order 2000**

PART II

TRANSFER AND CONSTRUCTION OF RAILWAYS

Transfer of railways, etc. by Railtrack PLC.

4.—(1) Railtrack may transfer to the Nottingham Company or, with the consent of the Secretary of State, to any associated company (as defined in section 416 of the Income and Corporation Taxes Act 1988(1)) of the Nottingham Company—

- (a) Railway No.1 and Railway No.2, or any part of those railways; and
- (b) so much of the land required for Railway No.3 as at the date of the coming into force of this Order is owned by Railtrack

on such terms and conditions as may be agreed between Railtrack and the Nottingham Company or its associated company, as the case may be.

(2) As from the date of any agreement made under paragraph (1) above in relation to any part of the railways, sections 116, 117 and 118 of the Transport Act 1968(2) shall apply to that part as if references to the Board in those sections were references to the undertaker.

Transfer of rights and obligations

5. Except as may be otherwise provided in this Order, as from the relevant date the railways or any part thereof shall continue to be subject to all statutory and other provisions applicable to the railways at that date (in so far as the same are still subsisting and capable of taking effect) and the undertaker shall to the exclusion of Railtrack or the Board, as the case may be, be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations statutory or otherwise relating to the railways (in so far as the same are still subsisting and capable of taking effect) to the intent that Railtrack or the Board, as the case may be, shall be released from all such obligations.

Power to construct and maintain Railway No.3

6.—(1) The undertaker may construct and maintain Railway No.3.

(2) Subject to article 7 below, Railway No.3 shall be constructed in the lines or situations shown on the works plan and in accordance with the levels shown on the sections.

(3) Railway No.3 shall be constructed and operated on a gauge of 1.435 metres (4 feet 8½ inches).

(1) 1988 c. 1.

(2) 1968 c. 73, as amended by the Local Government Act 1972 c. 70, the London Regional Transport Act 1984 c. 32, the New Roads and Street Works Act 1991 c. 22, and the Railways Act 1993 (Consequential Modifications) (No. 5) Order 1996 S.I.1996/420.

Further powers as to works

7.—(1) Subject to paragraph (3) below, the undertaker may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of Railway No.3, namely—

- (a) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of Railway No.3, and
- (b) works for the benefit or protection of premises affected by Railway No.3.

(2) Subject to paragraph (3) below, the undertaker may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction and maintenance of Railway No.3.

(3) Paragraphs (1) and (2) above shall not authorise the carrying out or maintenance of works outside the limits of deviation.

Power to deviate

8. In constructing or maintaining Railway No.3, the undertaker may—

- (a) deviate laterally from the lines or situations shown on the works plan within the limits of deviation for that work shown on that plan; and
- (b) deviate vertically from the levels shown on the sections to any extent not exceeding 2 metres upwards or downwards.