
STATUTORY INSTRUMENTS

2015 No. 1652

The Ecclesbourne Valley Railway Order 2015

Transfer of rights and obligations to the undertaker, etc.

4.—(1) Except as may be otherwise provided in this Order, as from the date upon which that part of the railway owned by Network Rail is transferred to the undertaker—

- (a) the railway or any part of it continues to be subject to all statutory and other provisions applicable to it at that date (in so far as those provisions continue in force and are capable of taking effect); and
- (b) the undertaker is, to the exclusion of Network Rail—
 - (i) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the railway; and
 - (ii) subject to paragraph (c), subject to all obligations, statutory or otherwise, relating to the railway (in so far as they are still in force and capable of taking effect), to the intent that Network Rail is released from all such obligations; and
- (c) sections 116 (transfer of responsibility for maintenance of highways on bridges over certain railways, inland waterways, etc.), section 117 (duty as respects bridges carrying highways) and section 118 (duty of highway authorities, etc., as respects bridges over certain railways or inland waterways) of the Transport Act 1968⁽¹⁾ apply to the railway or the relevant part of it as if references to the “Railways Board” were references to the undertaker.

(2) Except as may be otherwise provided in this Order, as from the date upon which that part of the railway owned by Lafarge Tarmac is transferred to the undertaker –

- (a) the railway or any part of it continues to be subject to all statutory and other provisions applicable to it at that date (in so far as those provisions continue in force and are capable of taking effect); and
- (b) the undertaker is, to the exclusion of Lafarge Tarmac—
 - (i) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the railway; and
 - (ii) subject to all obligations, statutory or otherwise, relating to the railway (in so far as they are still in force and capable of taking effect), to the intent that Lafarge Tarmac is released from all such obligations.

⁽¹⁾ 1968 c. 73. Section 116 was amended by the Local Government Act 1972 (c. 70), section 272 and Schedule 30, S.I. 1996/420, S.I. 2003/1615 and S.I. 2012/1659; section 117 was amended by the Road Traffic Regulation Act 1984 (c. 27), section 146 and Schedule 13, paragraph 7, S.I. 1996/420, S.I. 2000/3251, S.I. 2003/1615, S.I. 2012/1659, and S.I. 2013/2314; section 118 was amended by the New Roads and Street Works Act 1991 (c. 22), section 168(2) and Schedule 9, S.I. 1996/420, S.I. 2003/1615, S.I. 2012/1659, and S.I. 2013/2314.