



Waverley Railway (Scotland) Act 2006

2006 asp 13

WAVERLEY RAILWAY (SCOTLAND) ACT 2006

PART 1

WORKS, ETC.

Works

- 1 Authority to construct works
- 2 The railway works
- 3 The ancillary works
- 4 Permitted deviation within limits
- 5 Access to works
- 6 Construction and maintenance of new or altered roads
- 7 Vesting of private roads
- 8 Private crossings
- 9 Permanent stopping up of roads

Supplemental powers

- 10 Temporary stopping up, alteration or diversion of roads
- 11 Discharge of water
- 12 Safeguarding works to buildings

PART 2

LAND

Powers of acquisition

- 13 Authority to acquire land
- 14 Acquisition of subsoil or rights
- 15 Purchase of specific new rights over land
- 16 Rights in roads or public places
- 17 Temporary use of land for construction of works

Changes to legislation: There are currently no known outstanding effects for the Waverley Railway (Scotland) Act 2006. (See end of Document for details)

Compensation

- 18 Disregard of certain interests and improvements
- 19 Set-off of betterment against compensation
- 20 No double recovery

Supplementary

- 21 Acquisition of part of certain properties
- 22 Extinction or suspension of rights of way
- 23 Power to enter land for survey, etc.
- 24 Further powers of entry
- 25 Persons under disability may grant servitudes, etc.
- 26 Parliamentary plans and book of reference: adjustments agreed with landowners and correction of errors
- 27 Period for compulsory acquisition of land
- 28 Extension of time
- 29 Acquisition of land for Work No. 1B
- 30 Acquisition of land for Works Nos. 1C and 1E

PART 3

MISCELLANEOUS AND GENERAL

- 31 Power to fell, etc. trees or shrubs
- 32 Powers of disposal, agreements for operation, etc.
- 33 Statutory undertakers, etc.
- 34 Arbitration
- 35 Service of notices, etc.
- 36 Listed buildings and conservation areas
- 37 Saving for town and country planning
- 38 Interpretation of sections 39 and 40
- 39 Planning agreements
- 40 Application of developer contributions
- 41 Blighted land
- 42 Method of vesting land
- 43 Certification of plans, etc.
- 44 Registration of new rights
- 45 Mitigation of environmental impacts
- 46 Compliance with Code of Construction Practice and Noise and Vibration Policy
- 47 Works affecting the River Tweed Special Area of Conservation
- 48 Regulation of mitigation measures
- 49 Application of the Crichton Down Rules
- 50 Application of original enactments
- 51 Rights of the Scottish Ministers

PART 4

SUPPLEMENTARY

- 52 Incorporation of enactments
- 53 Interpretation
- 54 Short title

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SCHEDULE 1 — Railway works

- In the local government areas of Midlothian and Scottish Borders...
- In the local government area of Midlothian—
- Railway between the Millerhill Marshalling Yard and Old Dalkeith Road—...
- Railway between Old Dalkeith Road and the Butlerfield Industrial Estate—...
- Railway between Butlerfield Industrial Estate and Borthwick Mains Cottages— Work...
- In the local government areas of Midlothian and Scottish Borders—...
- Railway between Borthwick Mains Cottages and Cowbraehill— Work No. 4—A...
- Railway between Cowbraehill and Stagebank— Work No. 5—A railway (5,000...
- In the local government area of Scottish Borders— Work No...
- Railway between Stagebank and Hazelbank Quarry— Work No. 6—A railway...
- Railway between Hazelbank Quarry and Stow— Work No. 7—A railway...
- Railway between Stow and Bowland Bridge— Work No. 8—A railway...
- Railway between Bowland Bridge and Torwoodlee— Work No. 9—A railway...
- Railway between Torwoodlee and Tweedbank— Work No. 10—A railway (5,780...

SCHEDULE 2 — Ancillary works

- 1 Stations, buildings, platforms, junctions and stopping places.
- 2 Bridges, subways, stairs, lifts, escalators, roundabouts and means of access....
- 3 Junctions and communications with, and widening of, any road, path...
- 4 Works for the provision of apparatus, plant or machinery and...
- 5 Works for the strengthening, underpinning, protection, alteration or demolition of...
- 6 Works or operations to stabilise the condition of any land...
- 7 Works to alter the course of, or otherwise interfere with,...
- 8 Works to alter the position of any existing apparatus or...
- 9 Without prejudice to the generality of paragraph 8 above, works...
- 10 Landscaping, ecological and other works to mitigate any adverse effects...
- 11 Works for the benefit or protection of premises affected by...
- 12 The removal by the authorised undertaker of any works constructed...
- 13 Such other works (of whatever nature) as may be necessary...

SCHEDULE 3 — Private crossings

- Part 1 — CONTINUING PRIVATE CROSSINGS
- Part 2 — PRIVATE CROSSINGS TO BE STOPPED UP AND DISCONTINUED

SCHEDULE 4 — Stopping up and diversion of roads

- Part 1 — ROADS TO BE PERMANENTLY STOPPED UP
- Part 2 — ROADS TO BE TEMPORARILY STOPPED UP

Changes to legislation: There are currently no known outstanding effects for the Waverley Railway (Scotland) Act 2006. (See end of Document for details)

SCHEDULE 5 — Safeguarding works: procedure

- 1 Safeguarding works may be carried out— (a) at any time...
- 2 For the purpose of determining how the powers of section...
- 3 For the purpose of carrying out safeguarding works to a...
- 4 Before exercising— (a) a right under section 12 of this...
- 5 Where notice is served under paragraph 4(a), (c) or (d)...
- 6 The authorised undertaker shall compensate the owners and occupiers of...
- 7 Where— (a) safeguarding works to a building are carried out...
- 8 Nothing in this schedule shall relieve the authorised undertaker from...
- 9 Any compensation payable under paragraph 7 above or under the...

SCHEDULE 6 — Acquisition of land, etc. outside limits of deviation

Part 1 — ACQUISITION OF LAND

Part 2 — ACQUISITION OF RIGHTS ONLY

SCHEDULE 7 — Land of which temporary possession may be taken

SCHEDULE 8 — Statutory undertakers, etc.

- 1 Subject to the provisions of this schedule, sections 224 to...
- 2 All such other provisions of the 1997 Act as apply...
- 3 In the provisions of the 1997 Act, as applied by...
- 4 Where any apparatus of a utility undertaker or of a...
- 5 Paragraph 4 above shall not apply in the case of...
- 6 The provisions of the 1997 Act mentioned in paragraphs 1...
- 7 In this schedule— “gas transporter” has the meaning given by...

SCHEDULE 9 — Listed buildings and conservation areas

- 1 (1) Subject to sub-paragraph (2) below, if a listed building...
- 2 Section 53 of the Listed Buildings Act (acts causing or...
- 3 In this schedule— “the Listed Buildings Act” means the Planning...

SCHEDULE 10 — Code of construction practice

- 1 Before commencing construction of the authorised works located in the...
- 2 The local planning authority shall send a copy of every...
- 3 The authorised undertaker may with the approval of the local...
- 4 The provisions of the code of construction practice and any...

SCHEDULE 11 — Works affecting the River Tweed Special Area of Conservation

Part 1 — WORKS REQUIRING SPECIAL MEASURES

- 1 This Part of this schedule applies to the sites specified...
- 2 The authorised undertaker shall not undertake any works for the...
- 3 The location of any work for the protection of river...
- 4 Before commencing the construction of any works, or carrying out...
- 5 The authorised undertaker shall secure that the code of construction...
- 6 Where and to the extent that any measure required by...
- 7 Any provision amending the code of construction practice pursuant to...

Part 2 — WORKS NOT REQUIRING SPECIAL MEASURES

SCHEDULE 12 — Provisions of original enactments applied to authorised works

Changes to legislation:

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