ELIZABETH II



1988 CHAPTER xii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to British Railways. [3rd May 1988]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament: 1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed. Confirmation of Order in Schedule.

2. This Act may be cited as the British Railways Order Confirmation Act 1988. Short title.

SCHEDULE

British Railways

Provisional Order to authorise the provision of a new level crossing at Garve in the district of Ross and Cromarty.

WHEREAS—

1962 c. 46. (1) By the Transport Act 1962 the British Railways Board (hereinafter referred to as "the Board") were established:

(2) It is the duty of the Board under the said Act of 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

(3) A realignment of the A.835 road, proposed to be carried out by the Secretary of State, will cross the railway between Garve and Lochluichart stations, and it is expedient that the Board and the Secretary of State should be able to carry into effect arrangements for the provision of a new level crossing of the said railway:

1936 c. 52. (4) The purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the last-mentioned Act, the Secretary of State orders as follows:—

Short title. 1. This Order may be cited as the British Railways Order 1988.

New level crossing at Garve. 2.—(1) In this section—

"the Board" means the British Railways Board;

"the new level crossing" means a new level crossing at Garve in the district of Ross and Cromarty in the Highland Region whereby a realignment of the A.835 road, proposed to be carried out by the Secretary of State, will cross the railway between Garve and Lochluichart stations at reference point NH 3954:6148 or in the vicinity thereof;

"roads authority" has the meaning assigned to it by section 151 of the Roads (Scotland) Act 1984; and 1984 c. 54.

"traffic sign" has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1984. 1984 c. 27.

(2) The Board and the Secretary of State may enter into and carry into effect arrangements—

(*a*) for the construction of the new level crossing; and

(*b*) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the Secretary of State for the purposes of this section shall be deemed to be expenses incurred by him in exercise of his powers as a roads authority under the Roads (Scotland) Act 1984. 1984 c. 54.

Costs of Order.

3. All costs, charges and expenses of, and incident to, the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Board, and may in whole or in part be defrayed out of revenue.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR J. A. DOLE
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
90p net
ISBN 0 10 511288 7