



# Edinburgh Tram (Line One) Act 2006

## 2006 asp 7

### PART 6

#### SUPPLEMENTARY

#### 81 Incorporation of enactments

- (1) The Lands Clauses Acts, except sections 120 to 125 of the 1845 Act, so far as they are applicable for the purposes of, and are not varied by or inconsistent with, the provisions of this Act, are incorporated with this Act.
- (2) Section 6 of the Railway Clauses Consolidation (Scotland) Act 1845 (c. 33) is incorporated with this Act to the extent that it applies to compensation payable in respect of diminution in value to properties caused by construction works, and for the avoidance of doubt no other provisions of the Railway Clauses Consolidation (Scotland) Act 1845 are incorporated with this Act.
- (3) In construing the enactments incorporated with this Act—
  - (a) this Act shall be deemed to be the special Act;
  - (b) the authorised undertaker shall be deemed to be the promoters of the undertaking or the company; and
  - (c) the authorised works shall be deemed to be the works or the undertaking.

#### 82 Interpretation

In this Act, unless the context otherwise requires—

- “the 1845 Act” means the Lands Clauses Consolidation (Scotland) Act 1845 (c. 19);
- “the 1963 Act” means the Land Compensation (Scotland) Act 1963 (c. 51);
- “the 1984 Act” means the Road Traffic Regulation Act 1984 (c. 27);
- “the 1991 Act” means the New Roads and Street Works Act 1991 (c. 22);
- “the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 (c. 8);
- “authorised road tramway” means any road tramway authorised by this Act;
- “the authorised tramway” means the tram system (consisting of the authorised road tramways and the authorised tramroads) authorised by this Act or any part of that system;

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“authorised tramroad” means any tramroad authorised by this Act;

“the authorised undertaker” means the Council, or any other person who by virtue of an agreement made under section 69 (Powers of disposal, agreements for operation, etc.) may exercise any power conferred by this Act;

“the authorised works” means the scheduled works and any other works authorised by this Act;

“the book of reference” means the book of reference submitted to the Parliament as an accompanying document with the Bill for this Act together with the amendments made to it to delete the following plots 274-289 (inclusive) and plot 291 and to insert the following plots, 400-424 (inclusive);

“the Council” means the City of Edinburgh Council;

“limits of deviation” mean the limits so described on the Parliamentary plans;

“limits of land to be acquired or used” mean the limits so described on the Parliamentary plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“Network Rail” means Network Rail Limited or its successor;

“the Parliament” means the Scottish Parliament;

“the Parliamentary plans” means the plans submitted to the Parliament as accompanying documents with the Bill for this Act together with amendments made to the index, the works and sheet layout and sheets 2, 8, 20, 21 and 22;

“the Parliamentary sections” means the sections submitted to the Parliament as accompanying documents with the Bill for this Act together with amendments made to sheet 28;

“road” and “roads authority” have the same meaning as in the Roads (Scotland) Act 1984 (c. 54);

“road tramway” means any tramway which is situated in the carriageway of a road, or in a reserved area of a road which vehicles other than trams are deterred or prevented from using, or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“the road works authority” has the same meaning as in Part IV of the 1991 Act;

“the scheduled works” means the works specified in schedule 1 to this Act or any part of them;

“the sheriff” means the sheriff principal of, or any sheriff appointed to, the sheriffdom of Lothian and Borders;

“tram” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway that is not a road tramway;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which provide support and guidance for vehicles carried on flanged wheels;

“tramway premises” means premises of the authorised undertaker used for or in connection with the operation of the authorised tramway including any tunnel, depot or building and any tram; and

“the tribunal” means the Lands Tribunal for Scotland.

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### 83 Orders

- (1) Any power of Scottish Ministers to make orders under this Act shall be exercisable by statutory instrument.
- (2) Any such power includes power to make—
  - (a) such incidental, consequential, supplementary or transitional provision as Scottish Ministers think necessary or expedient; and
  - (b) different provision for different cases and different classes of case.
- (3) A statutory instrument containing an order made under this Act shall be subject to annulment in pursuance of a resolution of the Parliament.

### 84 Rights of the Crown

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown.
- (2) Without prejudice to the generality of subsection (1), nothing in this Act authorises the acquisition of land (including any rights or interests in land) belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners [<sup>F1</sup>or a relevant person], without the consent in writing of those Commissioners [<sup>F2</sup>or that person].  
  
<sup>F3</sup>(2A) In subsection (2), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.]
- (3) A consent under subsection (2) may be given unconditionally or subject to terms and conditions.

#### Textual Amendments

- F1** Words in s. 84(2) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 35\(a\)\(i\)](#)
- F2** Words in s. 84(2) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 35\(a\)\(ii\)](#)
- F3** S. 84(2A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 35\(b\)](#)

### 85 Short title

This Act may be cited as the Edinburgh Tram (Line One) Act 2006.

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