
STATUTORY INSTRUMENTS

1994 No. 1532

TRANSPORT AND WORKS

TRANSPORT

The Railtrack (Marsh Lane, Leeds, Footbridge) Order 1994

Made - - - - *1st June 1994*

Coming into force - - *22nd June 1994*

The Secretary of State for Transport, on an application made to him by the British Railways Board (whose functions in respect of the footbridge hereunder defined have been assumed by Railtrack PLC by virtue of a transfer scheme made pursuant to section 85(1) of the Railways Act 1993⁽¹⁾) for an Order under section 1 of the Transport and Works Act 1992⁽²⁾ (hereinafter referred to as “the Act”), being satisfied in accordance with section 13(1) of the Act that its requirements in relation to any objections have been satisfied, and having determined to give effect to the proposals comprised in such application with modifications, in exercise of the powers conferred on him by sections 1 and 5 of the Act and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Railtrack (Marsh Lane, Leeds, Footbridge) Order 1994 and shall come into force on 22nd June 1994.

(2) In this Order—

“the Company” means Railtrack PLC;

“the footbridge” means the footbridge (No.38) of the Company over the Leeds and Selby railway in the city of Leeds at the site of the former Marsh Lane goods depot and passing between Railway Street, at its junction with East Field Street, and Shannon Street, which footbridge was required to be constructed by section 5 of the North-eastern Railway Company’s (Lanchester Valley Branch) Act 1857⁽³⁾ and authorised to be altered and extended by paragraph 12 of section 27 of the North-eastern Railway Act 1891⁽⁴⁾; and

“the path” means the path carried by the footbridge.

(1) 1993 c. 43.
(2) 1992 c. 42.
(3) 1857 c.xlvi.
(4) 1891 c.clxvi.

Maintenance of footbridge

2. (1) (a) For the purpose of carrying out any maintenance of the footbridge the Company may stop up or interrupt the use of the path.

(b) No stopping up or interruption under sub-paragraph (a) above shall be for any period exceeding 3 months, and except in case of emergency no such stopping up or interruption shall take place less than 3 months after the conclusion of any previous such stopping up or interruption.

(2) For the more convenient maintenance of the footbridge, in section 5 of the North-eastern Railway Company's (Lanchester Valley Branch) Act 1857 (which prescribes, among other things, the height and width of the footbridge) the following amendments shall be made:—

(a) for the words "of not less than a clear width of sixteen feet throughout" there shall be substituted the words "of such width as is required to accommodate a path not less than 1.8 metres wide"; and

(b) for the words "the roadway whereof shall not exceed sixteen feet four inches in height above the present surface of the rails of the railway" there shall be substituted the words "the height whereof (measured from the upper surface of the rails of the railway to the lowest part of the underside of the bridge) shall be not less than 4.44 metres".

Diversion of path over footbridge

3. Upon the coming into force of an order under section 119 of the Highways Act 1980⁽⁵⁾ (diversion of footpaths and bridleways) or section 257 of the Town and Country Planning Act 1990⁽⁶⁾ (which relates to footpaths and bridleways affected by development) for the diversion of all or part of the path, the duty of the Company under section 5 of the North-eastern Railway Company's (Lanchester Valley Branch) Act 1857 to provide and maintain the footbridge shall cease as regards such part of the footbridge as carries the path, or the part of the path, so diverted.

Signed by authority of the Secretary of State for Transport

Department of Transport
1st June 1994

P. Wood
An Under Secretary,

(5) 1980 c. 66; subsections (1) and (2) of section 119 were substituted by section 63 of, and paragraph 5 of Schedule 16 to, the Wildlife and Countryside Act 1981 (c. 69).

(6) 1990 c. 8.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that for the purpose of carrying out any maintenance of the existing Marsh Lane footbridge in Leeds, passing between Railway Street and Shannon Street, Railtrack PLC may temporarily stop up or interrupt the use of the path carried by the footbridge for a period not exceeding 3 months; and that for the more convenient maintenance of the footbridge certain prescribed dimensions should be altered (article 2).

Article 3 provides that the duty of the Company to maintain the footbridge is to cease upon any order being made under section 119 of the Highways Act 1980 or section 257 of the Town and Country Planning Act 1990 diverting the path carried by it.