



STATUTORY INSTRUMENTS.

S.I. No. 277 of 2012



TRANSPORT ACT 1950 (COMPULSORY ACQUISITION OF LAND
AND CLOSURE OF RAILWAY LEVEL CROSSING) ORDER 2012

TRANSPORT ACT 1950 (COMPULSORY ACQUISITION OF LAND AND CLOSURE OF RAILWAY LEVEL CROSSING) ORDER 2012

WHEREAS on the railway line from Dublin to Cork and at a distance of 108 miles 1300 yards or thereabouts from its commencement at Heuston Station and at Ballycohy, Lattin near the town of Tipperary, in the county of Tipperary there currently exists a means of crossing the railway line (a level crossing known as XC147) from a parcel of land marked Plan 7A comprising circa 14.5 acres on the north side of the railway to a parcel of land of area marked Plan 7B comprising circa 30.5 acres on the south side of the railway, both parcels of land being comprised in folio 13834 of the Register County of Tipperary and shown respectively on the map or plan attached to or associated with the folio;

AND WHEREAS Córas Iompair Éireann has duly applied to the Minister for Transport, Tourism and Sport under section 17 (as amended by section 127 of the Railway Safety Act 2005 (No. 31 of 2005)) of the Transport Act 1950 (No. 12 of 1950) for an order authorising it to acquire the land and to close the railway level crossing, for the purpose of the exercise of its powers and duties;

AND WHEREAS Córas Iompair Éireann has published such notice of the nature of the proposed order at such time and in such manner as the Minister for Transport, Tourism and Sport has directed and in such notice has also intimated that objections and representations in writing might be submitted to the Minister for Transport, Tourism and Sport during the period specified in the notice;

AND WHEREAS Córas Iompair Éireann has furnished to the Minister for Agriculture, Fisheries and the Marine particulars of the land to which the proposed order relates;

NOW I, LEO VARADKAR, Minister for Transport, Tourism and Sport (after due consideration of the application and having had regard to such written objections and representations as have been made and being of opinion that the application should be granted) in exercise of the powers conferred on me by section 17 (as amended by section 127 of the Railway Safety Act 2005 (No. 31 of 2005)) of the Transport Act 1950 (No. 12 of 1950) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), hereby order as follows:

1. This Order may be cited as the Transport Act 1950 (Compulsory Acquisition of Land and Closure of Railway Level Crossing) Order 2012.
2. The Board is authorised to acquire the land and to close the level crossing described in the Schedule for the purposes of the exercise of its powers and duties.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 31st July, 2012.

3. (1) Compensation shall be paid by the Board to the several persons having estates or interests in the land to which this Order relates.

(2) Any question of disputed compensation shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 and for this purpose the Board is deemed to be a public authority within the meaning of that Act.

(3) So far as they are applicable and except in so far as the same are inconsistent with any other Article of this Order the Land Clauses Acts (as amended by the Second Schedule to the Housing of the Working Classes Act 1890) shall be incorporated in this Order subject to the following modification:

- (a) the Board is deemed to be the promoter and the Minister is deemed to be the confirming authority for the purposes of the Land Clauses Acts as so amended,
- (b) the Board is deemed to be the Local Authority for purposes of the Second Schedule to the Housing of the Working Classes Act 1890, and
- (c) this Order is deemed to be a Special Act.

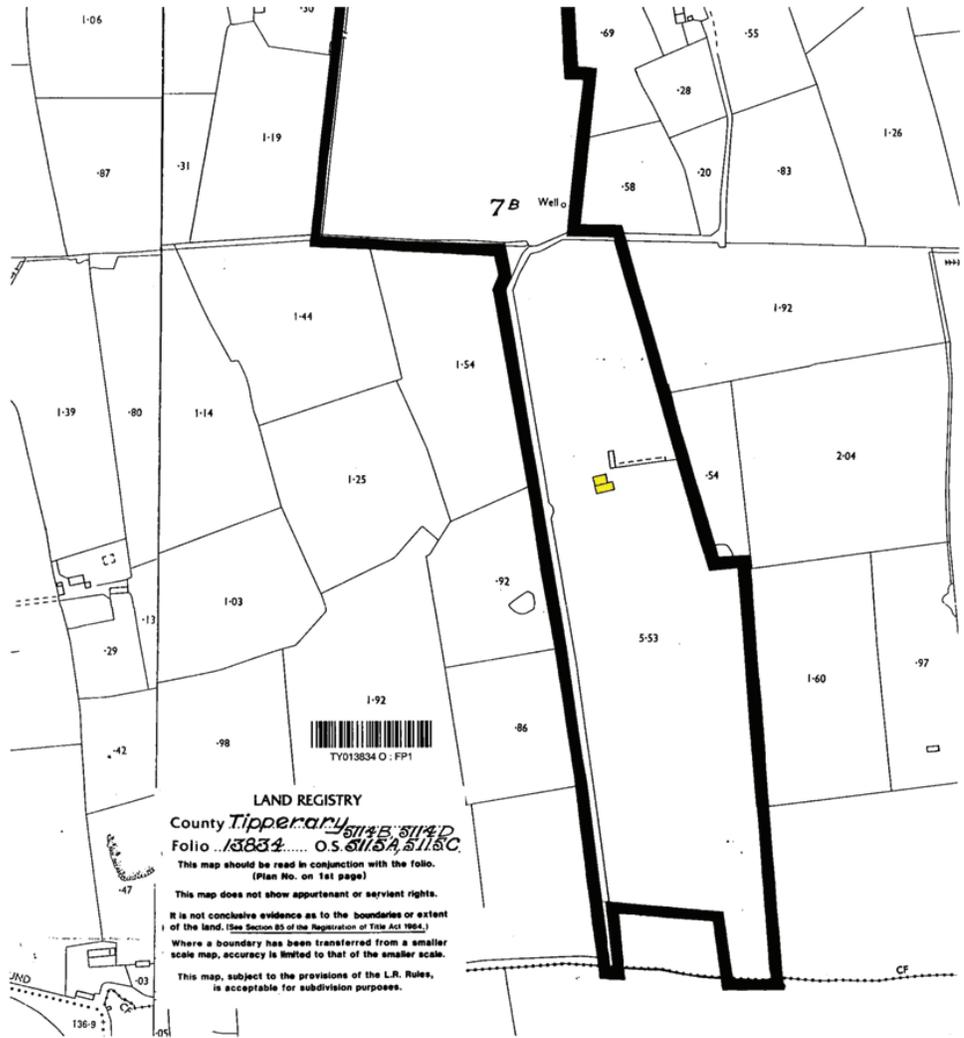
SCHEDULE

The Land:

All that plot of land of area 14.68 acres comprised in Folio 13834 of the Register County Tipperary as delineated on the map attached to the said folio and marked Plan 7A.

The Level Crossing:

Railway Level Crossing XC147 located at 108 miles and 1300 yards or thereabouts from Heuston Station, Dublin on the Dublin to Cork railway line at Ballycohy, Lattin near Tipperary Town, County Tipperary heretofore a means of crossing the railway line from a parcel of land of area circa 14.5 acres on the north side of the railway to a parcel of land of area circa 30.5 acres on the south side being the lands comprised in Folio 13834 of the Register County Tipperary.



GIVEN under my Official Seal,
 25 July 2012.

LEO VARADKAR,
 Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The effect of this Order is to enable Córas Iompair Éireann to acquire compulsorily land which is situated on the Dublin to Cork railway line at Ballycohy, Lattin near Tipperary Town, Co. Tipperary for the closure of Level Crossing XC147, in the interest of creating a safer environment for the operation of rail services.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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