

36.—(1) In this section—

PART V

—*cont.*

(a) “contractual obligation” means any obligation of the Board under any deed, conveyance, covenant, agreement or other similar instrument to provide or maintain any services or facilities for the carriage of passengers or goods by railway, being an obligation which was entered into by any predecessor of the Board as the consideration or part of the consideration for the grant or conveyance, or any agreement for the grant or conveyance, to such predecessor of any land or interest in land for the purposes of, or in connection with, any railway or works connected therewith; and it shall be presumed (unless the contrary appears) that any such obligation was so entered into if land or an interest in land was so granted or conveyed by the instrument creating the obligation or by any other instrument made or executed by or between the same parties, or the successors or predecessors of either or both of them, on the same date or within two years before or after that date;

Relief from contractual, etc. obligations to provide railway services, etc.

(b) “awarded obligation” means any obligation of the Board to provide or maintain any such services or facilities as aforesaid which was imposed upon any predecessor of the Board by any award of an arbitrator or umpire (however described) in connection with the purchase or acquisition (whether compulsory or otherwise) by such predecessor of any land or interest in land for the purposes of any railway or works connected therewith.

(2) No action or other proceeding shall be instituted or continued against the Board for the purpose of enforcing any contractual obligation or awarded obligation (not being an obligation with which the Board are required to comply by or by virtue of an order or undertaking in force at the passing of this Act and made by or given to a court) but any person who but for this section would have been entitled to institute or continue any such action or proceeding and who has suffered or will suffer loss in consequence of any failure or refusal on the part of the Board to perform or comply with any contractual obligation or awarded obligation shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

(3) This section shall not extend to Scotland.