



Aire and Calder Navigation Act 1992

1992 CHAPTER iv

PART I

PRELIMINARY

1 Citation

This Act may be cited as the Aire and Calder Navigation Act 1992.

2 Interpretation

(1) In this Act, unless the context otherwise requires—

“the Act of 1961” means the Land Compensation Act 1961;

“the Act of 1965” means the Compulsory Purchase Act 1965;

“the Act of 1991” means the Water Resources Act 1991;

“the Board” means the British Waterways Board;

“the Corporation” means the British Coal Corporation;

“the definitive map” means the definitive map for the area forming part of the definitive map and statement as defined by section 53 of the Wildlife and Countryside Act 1981;

“enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“the new navigation” means Work No. 2, Work No. 12, Work No. 12A and so much of Work No. 1 as is downstream of its junction with Work No. 2 together with all works and conveniences connected therewith;

“the navigation” means the Aire and Calder Navigation of the Board;

“the railways board” means the British Railways Board;

“the river” means the river Aire;

“the Rivers Authority” means the National Rivers Authority;

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“the superseded length” means so much of the navigation and its facilities as is not required in consequence of the construction of the new navigation;

“the transfer date” means the date agreed or determined under section 41 (New navigation to be commercial waterway, etc.) of this Act;

“the tribunal” means the Lands Tribunal;

“the works” means the works authorised by this Act and includes those works as altered, replaced or re-laid under subsection (3) of section 5 (Power to make works) of this Act.

- (2) References in this Act to reference points shall be construed as references to Ordnance Survey National Grid reference points.
- (3) All areas, points, directions, distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such area, point, direction, distance and length and distances between points on a waterway shall be taken to be measured along the centre line of the channel of the waterway.
- (4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.
- (5) References in this Act to points identified by letters shall be construed as references to the points so lettered on the deposited plans.

3 Incorporation of Railways Clauses Consolidation Act 1845

- (1) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, incorporated with and form part of this Act.
- (2) For the purposes of the said provisions as so incorporated, “the special Act” means this Act, “the railway” means the works, “the centre of the railway” means the centre lines of the works and “the company” means the Corporation.
- (3) Wherever the said provisions as originally enacted confer powers exercisable within the period by the special Act limited for the completion of the railway, those provisions as incorporated with this Act shall be construed as though their powers were expressed to be exercisable within a period of five years from the commencement of the construction of the work or part of a work in relation to which the powers are required to be exercised.

4 Application of Part I of Compulsory Purchase Act 1965

- (1) Part I of the Act of 1965 (except section 4 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.
- (2) In section 11 (1) of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than

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14 days' notice) as so applied, for the words “fourteen days” there shall be substituted the words “three months”.

- (3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.