



# High Speed Rail (London - West Midlands) Act 2017

## 2017 CHAPTER 7

### *Interpretation*

#### **67 ““Phase One purposes””**

References in this Act to anything being done or required for ““Phase One purposes”” are to the thing being done or required—

- (a) for the purposes of or in connection with the works authorised by this Act,
- (b) for the purposes of or in connection with trains all or part of whose journey is on Phase One of High Speed 2, or
- (c) otherwise for the purposes of or in connection with Phase One of High Speed 2 or any high speed railway transport system of which Phase One of High Speed 2 forms or is to form part.

#### **68 Interpretation**

(1) In this Act—

““Act limits”” is to be construed in accordance with subsection (2) of this section;

““allotment”” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

““bridleway””, ““carriageway””, ““footpath”” and ““footway”” have the same meanings as in the Highways Act 1980;

““burial ground”” means—

- (a) a churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of burial, or
- (b) any other place of burial;

““common”” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882;

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“covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill” is to be construed in accordance with subsection (4) of this section;

“Crown authority” has the meaning given by section 57(5);

“Crown land” has the meaning given by section 57(4);

“deposited plans” and “deposited sections” have the meanings given by section 61;

“deposited statement” has the meaning given by subsection (5);

“development” has the same meaning as in the Town and Country Planning Act 1990;

“enactment” means either of the following (or a provision of either of the following)—

(a) an Act (including a local or private Act), or

(b) any subordinate legislation, within the meaning given by section 21 of the Interpretation Act 1978;

“Environmental Impact Assessment Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) (or any regulations replacing them);

“held” is to be construed in accordance with subsection (3) of this section (in the case of a reference to land or a building held by the nominated undertaker);

“highway” and “highway authority” have the same meanings as in the Highways Act 1980;

“limits of deviation” means the limits of deviation which are shown on the deposited plans (which are the limits of deviation for the scheduled works);

“limits of land to be acquired or used” means the limits of land to be acquired or used which are shown on the deposited plans;

“Localism Act TCPA order” means an order under section 198(2)(c) of the Localism Act 2011 giving effect to a decision under section 202(2)(a) of that Act (decision that a Mayoral development corporation is to be the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990);

“Mayoral development corporation” means a Mayoral development corporation established under section 198(2)(a) of the Localism Act 2011;

“nominated undertaker” is to be construed in accordance with section 45;

“non-unitary area” means an area for which there is both a district and a county council;

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

“owner”, in relation to any land, has the same meaning as in Part 1 of the Acquisition of Land Act 1981 (but this does not apply to Schedule 13, which has its own definition);

“Phase One of High Speed 2” has the meaning given by section 1(3);

“Phase One purposes” is to be construed in accordance with section 67;

“scheduled works” has the meaning given by section 1(2);

“strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;

“unitary authority” means—

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- (a) a county council, so far as its area is not part of the area of a district council,
  - (b) a district council whose area is not part of the area of a county council, or
  - (c) a London borough council;
- ““utility undertaker”” means—
  - (a) a gas transporter within the meaning of Part 1 of the Gas Act 1986,
  - (b) the holder of a licence under Part 1 of the Electricity Act 1989,
  - (c) a water undertaker or sewerage undertaker,
  - (d) a local authority (within the meaning of the Water Industry Act 1991) which is a relevant authority for the purposes of section 97 of that Act, or
  - (e) the operator of an electronic communications code network (within the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003).
- (2) For the purposes of this Act, land or any other thing is within the Act limits if it is—
  - (a) within the limits of deviation for the scheduled works, or
  - (b) within the limits of land to be acquired or used,and references to the doing of anything within the Act limits are to be construed accordingly.
- (3) References in this Act to land or a building held by the nominated undertaker include references to land or a building in the nominated undertaker's temporary possession.
- (4) For the purposes of this Act, development is covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill if it is development in relation to which information contained in a deposited statement constituted, at the time of the statement's deposit or publication, an environmental statement within the meaning of the Environmental Impact Assessment Regulations.
- (5) Each of the following is a ““deposited statement”” for the purposes of this Act—
  - (a) the statement deposited in connection with the High Speed Rail (London – West Midlands) Bill in the Private Bill Office of the House of Commons in November 2013 in pursuance of Standing Order 27A of the Standing Orders of the House of Commons relating to private business (environmental assessment);
  - (b) the statements containing additional environmental information published in connection with the High Speed Rail (London - West Midlands) Bill, notice of the publication of which was published in the London Gazette on 17 September 2014, 15 July 2015, 24 September 2015, 15 October 2015 and 7 December 2015.
- (6) In this Act—
  - (a) a reference to a highway or any other place identified by letters and numbers is a reference to the highway or place shown as such on the deposited plans;
  - (b) a reference to a work identified by numbers (or numbers and a letter) is a reference to the scheduled work of those numbers (or those numbers and letter);
  - (c) a reference to a sheet identified by numbers is a reference to the sheet of those numbers contained in the deposited plans;

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- (d) a reference in any description of works, powers or land to area, distance, length or direction, or to a particular location, is to be read as if qualified by the words ““or thereabouts””;
  - (e) a reference to distance, in relation to points on a road or railway, is to distance measured along the centre line of the road or railway.
- (7) For the purposes of this Act, the level of the surface of land is to be taken—
- (a) in the case of land on which a building is erected, to be the level of the surface of the ground adjoining the building, and
  - (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

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