
STATUTORY INSTRUMENTS

1992 No. 3230

TRANSPORT AND WORKS

The Transport and Works (Descriptions of Works Interfering with Navigation) Order 1992

Made - - - - 16th December 1992

Coming into force - - 1st January 1993

The Secretary of State, in exercise of the powers conferred by section 4(1) and (2) of the Transport and Works Act 1992⁽¹⁾ (hereinafter referred to as “the Act”) and of all other enabling powers, hereby makes the following Order, a draft of which has been approved by resolution of each House of Parliament:—

Citation and commencement

1. This Order may be cited as the Transport and Works (Descriptions of Works Interfering with Navigation) Order 1992 and shall come into force on 1st January 1993.

Descriptions of works

2. The Secretary of State hereby prescribes works of the following descriptions for the purposes of section 3(1)(b)(ii) of the Act:

- (a) barrage;
- (b) bridge;
- (c) cable;
- (d) land reclamation;
- (e) navigational aid;
- (f) offshore installation;
- (g) pier;
- (h) pipeline;
- (i) tunnel;
- (j) utilities structure.

Interpretation

3.—(1) In this Order—

“barrage” includes a dam, weir, barrier, embankment, breakwater and any other structure for impounding, or diverting or controlling the flow of, water;

“bridge” includes a viaduct, an aqueduct and a gantry and the abutments of and approaches to a bridge;

“cable” means a telegraph, telephone or electric power cable (whether submerged or airborne), an aerial cableway or a cable or chain used to guide a ferry;

“land reclamation” means works for restoring or converting to dry land or to a polder areas of land which are continuously or intermittently covered by water and also means other works in, on or over such land;

“navigational aid” means any structure or device (whether fixed or floating) providing a light, sound or other signal or other aid for the safety of navigation in or over water or in the air;

“offshore installation” means an installation or device (whether fixed or floating) for the exploitation, or exploration with a view to exploitation, of the natural resources of any waters, the bed or subsoil thereof or the air-space thereover and also means any other installation or device performing, or intended to perform, or which has performed, any activity of a kind specified in section 1(2) of the Mineral Workings (Offshore Installations) Act 1971⁽²⁾ in so far as the activity relates to such bed or subsoil;

“pier” includes a jetty, quay, wharf, mole, staging, slipway and any similar structure, device or facility (whether fixed or floating) used for the mooring, landing, launching or beaching of vessels or for promenading or other recreational purposes;

“pipeline” means a pipe or system of pipes for the conveyance of any thing and also means a sewer, drain, duct and any apparatus or works associated with such a pipe or system of a kind specified in paragraphs (a) to (f) of section 33(1) of the Petroleum and Submarine Pipe-lines Act 1975⁽³⁾ and for the purposes of this definition references in those paragraphs to “the pipe or system” are to be construed accordingly;

“tunnel” means a tunnel for the passage of vehicles, persons on foot or animals and includes a submerged tube used for any of those purposes, the approaches to a tunnel and works for the operation or protection of a tunnel; and

“utilities structure” means a structure or plant, whether attached to dry land or otherwise and whether fixed or floating, used, or intended to be used, or which has been used, for a transport, communications, electricity generation, water extraction (including desalination), waste disposal or similar purpose.

(2) In this Order, references to “works” are to be construed as including the construction, emplacement, removal, demolition, alteration or modification of the works in question, or of any part thereof, and any works ancillary thereto.

(2) 1971 c. 61; section 1 was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 (c. 23).

(3) 1975 c. 74; section 33(1) was amended by the insertion of paragraph (aa) by section 25(1) of the Oil and Gas (Enterprise) Act 1982.

Signed by authority of the Secretary of State for Transport

16th December 1992

Roger Freeman
Minister of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies the provisions of Part I of the Transport and Works Act 1992 (“the Act”) (which provides for the making of orders authorising the construction and operation of certain systems of transport and of inland waterways and the carrying out of works which interfere with rights of navigation in waters within or adjacent to England and Wales up to the seaward limits of the territorial sea) to those works which interfere with rights of navigation of a description prescribed in the Order.

The works so prescribed are barrages, bridges, cables, land reclamation, navigational aids, offshore installations, piers, pipelines, tunnels and utilities structures. A more detailed description of each of these terms appears in article 3 of the Order. Authority for the carrying out of some of these works may be secured under other enactments and section 13(2) of the Act provides that in such circumstances the Secretary of State may determine not to make an order applied for under the Act in respect of those works. The scope of the Order is further constrained by section 3(2) of the Act, which prevents the Secretary of State from making an order under the Act if the primary object of the order could be achieved by means of an order under the Harbours Act 1964 (c. 40).