
STATUTORY INSTRUMENTS

2003 No. 3364

The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 and shall come into force on 12th January 2004.

Interpretation

2.—(1) In this Order—

“the 1965 Act” means the Compulsory Purchase Act 1965⁽¹⁾;

“the 1991 Act” means the New Roads and Street Works Act 1991⁽²⁾;

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992⁽³⁾;

“authorised railway” means any railway line or siding constructed as part of the works specified in Schedule 1 to this Order;

“authorised works” means the scheduled works and any other works authorised by this Order;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980⁽⁴⁾;

“the land plan” means the plan certified by the Secretary of State as the land plan for the purpose of this Order;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purposes of this definition “associated company” means any company which is (within the meaning of section 736 of the Companies Act 1985⁽⁵⁾) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

(1) 1965 c. 56.
(2) 1991 c. 22.
(3) S.I.1992/2902.
(4) 1980 c. 66.
(5) 1985 c. 6.

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“the scheduled works” means the works specified in Schedule 1 to this Order or any part of them;

“the sections” means the sections certified by the Secretary of State as the deposited sections for the purposes of this Order;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part III of the 1991 Act;

“the tribunal” means the Lands Tribunal;

“the undertaker” means Alconbury Developments Limited;

“the works plans” means the plans described in rule 7(1)(a) of the Applications Rules prepared in connection with the application for this Order certified by the Secretary of State as the works plans for the purpose of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air-space over its surface.

(3) Any reference in this Order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Order.

(4) All distances, directions and lengths stated in the description of the scheduled works or in any description of power shall be construed as if the words “or thereabouts” were inserted after each such distance, direction and length.

Incorporation of enactments relating to railways

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(6) shall be incorporated in this Order—

section 24 (obstructing construction of railway);

(subject to paragraph (4)), section 46 (crossing of roads and construction of bridges)

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 75 (omission to fasten gates);

section 77 (presumption that minerals exempted from acquisition of land);

sections 78 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923;

section 105 (carriage of dangerous goods on railway);

section 145 (recovery of penalties);

(2) The following provision of the Railways Clauses Act 1863(7) shall be incorporated in this Order—

section 12 (signals, watchmen etc.).

(3) In that provision, as incorporated in this Order—

“the company” means the undertaker;

“the railway” means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works.

(4) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be substituted the words “Provided always that the plans and specification of such works are subject to the approval of the highway authority and subject to such conditions as the authority may reasonably impose”.

Incorporation of local railway enactments

4.—(1) Any enactment by which any railway or former railway of Network Rail situated within the limits of deviation was authorised shall have effect subject to the provisions of this Order.

(2) Nothing in paragraph (1) shall prejudice any express statutory provision for—

- (a) the protection of the owner, lessee or occupier of any specifically designated property,
- (b) the protection or benefit of any public trustees or commissioners, corporation or other person, specifically named in such provision, or
- (c) the protection of apparatus of water or sewerage undertakers.