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STATUTORY INSTRUMENTS

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**2018 No. 937**

The Network Rail (Felixstowe Branch Line  
Improvements – Level Crossings Closure) Order 2018

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018 and comes into force on 26th September 2018.

**Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“the 1991 Act” means the New Roads and Street Works Act 1991(6);

“address” includes any number or address used for the purposes of electronic transmission;

“authorised works” means the scheduled work 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;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“definitive map and statement” has the meaning given by section 53(1) (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981(7);

“the deposited plans” means the plans entitled “Works and Land and Public Rights of Way Plans” certified by the Secretary of State as the deposited plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1981 c. 66.

(5) 1990 c. 8.

(6) 1991 c. 22.

(7) 1981 c. 69. Subsection (1) was amended by section 51 of, and paragraphs 1 and 2 of Part 1 of Schedule 5 to, the Countryside and Rights of Way Act 2000 (c. 37).

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“footpath” has the same meaning as in the 1980 Act;

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

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

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

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

“Network Rail” means Network Rail Infrastructure Limited (company registration number 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN;

“Order limits” means the limits of deviation and any additional limits of land to be acquired or used;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981<sup>(8)</sup>;

“restricted byway” has the meaning given by section 48(4) of the Countryside and Rights of Way Act 2000<sup>(9)</sup>;

“the scheduled work” means the work specified in Schedule 1 (scheduled work) to this Order or any part of it;

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

“street” has the meaning given in section 48 (streets, street works and undertakers) of the 1991 Act;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“the tribunal” means the Lands Chamber of the Upper Tribunal; and

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain.

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

(3) References in this Order to points identified by letters and numbers are to be construed as references to the points so shown on the deposited plans; and references to a sheet identified by a number is a reference to the sheet of that number contained in the deposited plans.

(4) All distances, directions, lengths and points stated in the description of the scheduled work or in any description of powers or lands are approximate, and the distance between the points on the scheduled work are taken to be measured along the scheduled work.

(5) References in this Order to Work No. 1 is a reference to the scheduled work as numbered in Schedule 1.

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<sup>(8)</sup> 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

<sup>(9)</sup> 2000 c. 37.