
STATUTORY INSTRUMENTS

2002 No. 412

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Chester Guided Busway Order 2002

Made - - - - - *21st February 2002*

Coming into force *14th March 2002*

THE CHESTER GUIDED BUSWAY ORDER 2002

PART I

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of the New Roads and Street Works Act 1991

PART II

WORKS PROVISIONS

Principal powers

4. Power to construct and maintain works
5. Power to deviate

Streets

6. Power to alter layout of streets
7. Power to keep apparatus in streets
8. Power to execute street works
9. Temporary stopping up of streets
10. Maintenance of altered streets
11. Agreements with street authorities

Supplemental powers

12. Discharge of water
13. Power to survey and investigate land
14. Planning permission : supplementary matters

Status: This is the original version (as it was originally made).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

PART III

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

15. Power to acquire land
16. Application of Compulsory Purchase (Vesting Declarations) Act 1981
17. Application of Part I of the Compulsory Purchase Act 1965
18. Powers to acquire new rights
19. Rights in streets

Compensation

20. Disregard of certain interests and improvements

Supplementary

21. Acquisition of part of certain properties
22. Extinction of private rights of way
23. Time limit for exercise of powers of acquisition

PART IV

OPERATION OF BUSWAY SYSTEM

24. Power to operate and use busway system
25. Maintenance of approved works etc.
26. Power to charge fares
27. Traffic signs
28. Power to fell or lop trees
29. Obstruction of construction of busway
30. Power to make byelaws
31. Power to contract for police services
32. Powers of disposal, agreements for operation, etc.
33. Application of Landlord and Tenant law
34. Town and country planning

PART V

MISCELLANEOUS AND GENERAL

35. Statutory undertakers etc.
 36. Protection of interests
 37. Application of existing enactments
 38. Crown rights
 39. Minerals
 40. Certification of plans etc.
 41. Service of notices
 42. No double recovery
 43. Disclosure of confidential information
 44. Arbitration
 45. Withholding of consent
- Signature

SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — ACQUISITION OF LAND

SCHEDULE 3 — STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 4 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without prejudice to the generality of paragraph 1, the...

Adaptation of the 1965 Act

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (provision as to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 5 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC

Apparatus of statutory undertakers etc. on land acquired

1. Subject to the following provisions of this Schedule, sections 271...
2. In the provisions of the 1990 Act, as applied by...
3. Where any apparatus of public utility undertakers or of a...
4. Paragraph 3 shall not apply in the case of the...
5. The provisions of the 1990 Act mentioned in paragraph 1,...
6. In this Schedule— “the 1990 Act” means the Town and...

SCHEDULE 6 — PROTECTIVE PROVISIONS PART I — GENERAL

Application of Schedule 6

1. The provisions of this Schedule shall have effect for the...

Arbitration

2. Any difference arising between the Council and any body referred...

PART II — PROTECTION FOR RAILTRACK PLC

Interpretation

1. In this Part of this Schedule— “construction” includes execution, placing,...

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

Powers requiring consent of Railtrack PLC

2. (1) The Council shall not under the powers conferred by...

Fencing

3. Where so required by the engineer the Council shall to...

Approval of plans

4. (1) The Council shall before commencing construction of any specified...

Construction of specified works

5. (1) Any specified work (together with any protective works specified...

Access

6. The Council shall— (a) at all times afford reasonable facilities...
7. Railtrack PLC shall at all times afford reasonable facilities to...

Alterations, etc. to railway property

8. (1) If during the construction of a specified work or...

Repayment of Railtrack's fees etc.

9. The Council shall repay to Railtrack PLC all reasonable fees,...

Maintenance of specified works

10. If at any time after the completion of a specified...

Illuminated signs etc.

11. The Council shall not provide any illumination or illuminated sign...

Alterations, etc. to railway property : repayment of additional expenses

12. Any additional expenses which Railtrack may reasonably incur in altering,...

Indemnity

13. (1) The Council shall be responsible for and make good...
14. In the assessment of any sums payable under this part...
15. The Council and Railtrack PLC may enter into, and carry...

PART III — PROTECTION FOR ELECTRICITY AND GAS UNDERTAKERS

Interpretation

1. (1) In this Part of this Schedule— “alternative apparatus” means...

Temporarily stopped up streets etc. : maintenance of apparatus

2. Notwithstanding the temporary stopping up or diversion of any highway...

Acquisition of apparatus

3. Notwithstanding anything in this Order or shown on the land...

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

Removal of apparatus : alternative apparatus

4. (1) If, in the exercise of the powers of this...
5. (1) Where, in accordance with the provisions of this Part...

Protection of apparatus

6. (1) Not less than 56 days before commencing the execution...

Stopped up highways : access to apparatus

7. Where, by reason of this Order, any part of any...

Repayment of undertakers' expenses

8. (1) Subject to the following provisions of this paragraph, the...

Indemnity

9. (1) Subject to sub-paragraphs (2) and (3), if by reason...

Payment for redundant apparatus

10. (1) Where, by reason of the stopping up of any...

Existing enactments and agreements

11. Nothing in this Part of this Schedule shall affect the...

PART IV — PROTECTION FOR SEWERAGE UNDERTAKERS

Interpretation

1. (1) In this Part of this Schedule— “construction” includes placing,...

Temporarily stopped up streets etc.: maintenance of sewers

2. Notwithstanding the temporary stopping up or diversion of any highway...

Acquisition of sewers

3. Notwithstanding anything in this Order or shown on the deposited...

Protection of sewers

4. (1) Before commencing the construction or renewal of any specified...
5. (1) The specified work shall be constructed or, in the...
6. As soon as reasonably practicable after the completion of the...

Repayment of undertaker's expenses

7. Subject to the following provisions of this paragraph, the Council...

Indemnity

8. (1) The Council shall indemnify the undertaker against all actions,...
9. Nothing in paragraph 7 or 8 shall impose any liability...

PART V — PROTECTION FOR TRAIN OPERATORS

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

Interpretation

1. In this Part of this Schedule— “construction” includes execution, placing,...

Indemnity

2. (1) The Council shall be responsible for and make good...
3. In the assessment of any sums payable under this Part...
PART VI — PROTECTION FOR THE ENVIRONMENT AGENCY

Interpretation

1. In this Part of this Schedule— “the Agency” means the...

Application of Water Resources Act 1991 and Land Drainage Act 1991

2. Nothing in this Order or in any enactment incorporated with...

Obstructions in rivers and watercourses: approval of plans

3. Before carrying out any works under the powers of this...
4. The approval of plans furnished under paragraph 3 shall not...

Maintenance of structures in watercourses

5. Any culvert or any structure designed to contain or divert...
6. Nothing in paragraph 5 shall have the effect of requiring...

Remedying contraventions

7. If any obstruction is erected or raised or any culvert...
PART VII — PROTECTION FOR RAILWAY PATHS LIMITED AND
SUSTRANS

Application of protocol

1. In this Part of this Schedule “the protocol” means the...
2. The Council, Railway Paths Limited and Sustrans shall enter into...

Acquisition of land

3. The Council shall not under the powers of this Order...

Explanatory Note