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STATUTORY INSTRUMENTS

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**1992 No. 2902**

**The Transport and Works (Applications and Objections Procedure) Rules 1992**

**Interpretation**

2.—(1) In these Rules, unless the context otherwise requires, references to sections are references to sections of the Transport and Works Act 1992 and—

“the Act” means the Transport and Works Act 1992;

“application” means an application under section 6 or the publication by the Secretary of State of a notice of a proposal to make an order by virtue of section 7 (as the case may be) and “applicant” means either a person making (or, where the context so requires, proposing to make) such an application or the Secretary of State (as the case may be);

“banks”, in relation to an inland waterway referred to in a category in Schedule 2, 5 or 6 below, has the meaning given in section 72(1) of the Land Drainage Act 1991<sup>(1)</sup>;

“the Directive” means Council Directive No. 85/337/EEC<sup>(2)</sup>;

“environmental statement” means a document or series of documents provided for the purpose of enabling the Secretary of State to make a proper assessment of the likely impact upon the environment of the implementation of the order applied for and which shall contain both the information specified in paragraph 1 of Schedule 1 below and—

- (a) in so far as it is relevant to the particular characteristics of the application, and
- (b) if the developer may reasonably be required to compile it, having regard to current knowledge and methods of assessment,

the further information set out in paragraphs 2 and 3 of that Schedule;

“local authority” means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly and a Passenger Transport Executive;

“local planning authority” means a local planning authority within Part I of the Planning Act;

“objection” means a valid objection within the provisions of rule 16 and “objector” shall be construed accordingly;

“occupier” means a person occupying land under a tenancy for a period of more than one month (not being a statutory tenant within the meaning of the Rent Act 1977<sup>(3)</sup> or the Rent (Agriculture) Act 1976<sup>(4)</sup>) and includes—

- (a) a statutory undertaker (not being an owner) having a right to keep equipment on, in or over land, and

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(1) 1991 c. 59.

(2) OJ No. L175, 5.7.85, P. 40.

(3) 1977 c. 42. See section 2(1) and Schedule 1, as amended by the Housing Act 1980 (c. 51), sections 76 and 153(2) and Schedule 26, and the Housing Act 1988 (c. 50), section 39(1).

(4) 1976 c. 80. See section 4, as amended by the Rent Act 1977, section 155 and Schedule 23, and the Housing Act 1980, section 76(3).

- (b) a person having the right to construct or maintain, at a specific position on an inland waterway, a mooring post, gangway, landing stage or other erection or installation for a vessel (not being anything which when not in use is normally carried on the vessel);

“operator”—

- (a) in relation to a transport system, means any person carrying on an undertaking which includes the system, or any part of it, or the provision of transport services on the system; and
- (b) in relation to an inland waterway, means the navigation authority and, if different, the conservancy authority within the meaning of section 221(1) of the Water Resources Act 1991<sup>(5)</sup>;

“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 the land (whether in possession or reversion) and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement, the unexpired term whereof exceeds three years;

“pipeline owner” means—

- (a) an owner within the meaning of section 66(1) of the Pipe-lines Act 1962<sup>(6)</sup> or section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975<sup>(7)</sup>; or
- (b) if no person has been designated as an owner pursuant to the said section 33(3), the person for the time being entitled to operate the pipeline;

“the Planning Act” means the Town and Country Planning Act 1990<sup>(8)</sup>;

“public telecommunications operator” means—

- (a) a person authorised by a licence to which section 8 of the Tele-communications Act 1984<sup>(9)</sup> applies to run a public telecommunications system; or
- (b) a person to whom the telecommunications code has been applied pursuant to section 10 of that Act;

“relevant coastal authority” means, in relation to works situated, or proposed to be carried out, in tidal waters and not lying within the boundary of a local authority in England or Wales—

- (a) in the case of works of a non-linear nature overall, a local planning authority having an administrative boundary within 15 kilometres of the works or, where there is no such authority in respect of a given point on such works, the authority whose administrative boundary is nearest to such a point; and
- (b) in the case of works of a linear nature overall, a local planning authority having an administrative boundary within 15 kilometres of any point on the works or, where there is no such authority in respect of a given point, the authority whose administrative boundary is nearest to such a point;

“river” means any river (including any part thereof which is tidal or which has been canalised), lake, stream, ditch, culvert, drain, dyke, sluice, weir or any other passage by which water drains, other than a sewer or pipe used primarily for the drainage of a building and premises appurtenant thereto or a street, but does not include—

- (a) a canal or inland navigation which is not a canalised part of a river;
- (b) any part of the river Tweed (as defined in section 2(7) of the Water Resources Act 1991);

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(5) 1991 c. 57.  
 (6) 1962 c. 58.  
 (7) 1975 c. 74.  
 (8) 1990 c. 8.  
 (9) 1984 c. 12.

- (c) any part of the river Esk or river Sark at a point where either of the banks of the river is in Scotland;
- (d) any part of any tributary stream of the river Esk or river Sark at a point where either bank of such tributary stream is in Scotland;

“statutory undertaker” means—

- (a) any person authorised by an enactment to carry on a railway, tramway, trolley vehicle, guided transport, road transport, water transport, canal, inland navigation, harbour, pier, lighthouse, gas or electricity supply, hydraulic power, sewerage or water undertaking;
- (b) a pipeline owner;
- (c) a public telecommunications operator;
- (d) the Post Office;
- (e) the British Airports Authority; and
- (f) the Civil Aviation Authority;

“tidal waters” means such part of—

- (a) the territorial sea adjacent to the United Kingdom, and
- (b) the internal waters of the United Kingdom in so far as they are tidal or constitute part of the sea,

as lie within the English area (within the meaning of Article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987<sup>(10)</sup>);

“transport system” means a railway, tramway or trolley vehicle system or a system using a mode of guided transport prescribed by an order made under section 2;

“the Trinity House” has the meaning given in section 742 of the Merchant Shipping Act 1894<sup>(11)</sup>;

“waiver direction” has the meaning given by rule 6(1) below;

“works affecting” means works proposed to be carried out in, upon, under, over or adjacent to the land specified in the relevant category in Schedule 2, 5 or 6 below.

(2) Where notice is required by these Rules to be given in a form prescribed herein, it means notice in that form (or as nearly in that form as circumstances permit) duly completed and signed.

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<sup>(10)</sup> S.I. 1987/2197.

<sup>(11)</sup> 1894 c. 60.