
STATUTORY INSTRUMENTS

1995 No. 519

The Barking Barrage Order 1995

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Barking Barrage Order 1995 and shall come into force on 7th March 1995.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

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

“the Act of 1968” means the Port of London Act 1968⁽²⁾;

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

“the authorised works” means the scheduled works and any other works authorised by this Order together with all necessary works and conveniences connected therewith or incidental thereto;

“the barrage” means work No 1 in Schedule 1 or any part thereof;

“the barrage gates” means all or any of the movable gates or the movable gates support beam forming part of the scheduled works;

“the book of reference” means the book of reference described in rule 7(5) of the Applications Rules prepared in connection with the application for this Order;

“the Borough” means the London Borough of Barking and Dagenham;

“enactment” means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, direction, scheme or other instrument having effect by virtue of an enactment;

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

“the land plan” means the plan or plans described in rule 7(3) of the Applications Rules prepared in connection with the application for this Order and references to land shown on that plan are references to land so shown in pursuance of that rule;

“the limits of deviation” means the lateral limits of deviation of the scheduled works as indicated on the works plan and the land plan;

(1) 1965 c. 56.
(2) 1968 c. xxii.
(3) S. I. 1992/2902.
(4) 1980 c. 66.

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

“owner”, in relation to any premises, means the person who—

- (a) is for the time being receiving the rack-rent of the premises, whether on his own account or as agent or trustee for another person; or
- (b) would receive the rack-rent if the premises were let at a rack-rent but for the purposes of this Order does not include a mortgagee not in possession, and cognate expressions shall be construed accordingly;

“the Port Authority” means the Port of London Authority;

“the Port Health Authority” means the Corporation of London in its capacity as health authority for the Port of London;

“the Railway Undertaker” means the body or bodies for the time being providing and maintaining the structure of the railway bridges over the upstream river;

“Redbridge” means the London Borough of Redbridge;

“the river” means the River Roding and includes—

- (a) any tributary or other watercourse or any basin, bay, channel or creek the water in which ultimately flows into, or which is directly or indirectly connected with the River Roding; and
- (b) the bed, banks and foreshore of the River Roding and of any such tributary, watercourse, basin, bay, channel or creek;

“the River Authority” means the National Rivers Authority;

“river wall” means a structure which forms the boundary between the river and the land;

“the scheduled works” means the works specified in Schedule 1;

“scouring” includes disturbance or collapse of the foreshore or bed of the river;

“the sections” means the sections described in rule 7(2) of the Applications Rules prepared in connection with the application for this Order;

“street” means a street within the meaning of section 67(1) of the Act and includes part of a street;

“street authority” in relation to a street, has the same meaning as in Part III of the New Roads and Street Works Act 1991⁽⁵⁾;

“tidal work” means so much of any work authorised by this Order as is in, on, under or over tidal waters or tidal lands below the level of mean high water springs;

“Thames Water” means Thames Water Utilities Limited;

“the tribunal” means the Lands Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“upstream river” means that part of the river lying between the downstream limit of deviation of the scheduled works and Ilford bridge at reference point TQ433863;

“vessel” means every description of vessel with or without means of propulsion of any kind and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968⁽⁶⁾;

(5) 1991 c. 22.

(6) 1968 c. 59.

“watercourse” has the same meaning as in the Land Drainage Act 1991(7) but does not include the River Thames; and

“the works plan” means the plan described in rule 7(1)(a) of the Applications Rules prepared in connection with the application for this Order.

(2) References in this Order to reference points shall be construed as references to Ordnance Survey National Grid Reference points.

(3) All directions, distances and reference points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after such direction, distance and reference point.

(4) In this Order, unless otherwise indicated—

(a) any reference to a numbered Part, article or Schedule is a reference to the Part, article or Schedule bearing that number in the Order; and

(b) any reference to a numbered or lettered paragraph is a reference to the paragraph bearing that number or letter in the article or Schedule in which the reference occurs.

(5) Where the book of reference, the sections, the land plan or the works plan was or were revised before this Order was made, any reference to it or them in this Order is to the latest such version submitted to the Secretary of State.

(6) 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.