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STATUTORY INSTRUMENTS

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**2006 No. 3118**

The Luton Dunstable Translink Order 2006

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Luton Dunstable Translink Order 2006 and shall come into force on 13th December 2006.

**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 1984 Act” means the Road Traffic Regulation Act 1984(4);

“the 1985 Act” means the Transport Act 1985(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 2003 Act” means the Communications Act 2003(8);

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000;

“authorised busway” means any busway or guided busway authorised by 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;

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

“busway” means a busway comprised within Work Nos. 1G, 1J, 1N, 2A, 2B and 5;

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

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1984 c. 2.

(5) 1985 c. 67.

(6) 1990 c. 8.

(7) 1991 c. 22. As amended by the [Traffic Management Act 2004](#). c. 18.

(8) 2003 c. 21.

“the Council” means Luton Borough Council;

“the County Council” means Bedfordshire County Council;

“cycle track” means a way over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988<sup>(9)</sup>) with a right of way on foot;

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

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

“guided bus” means a vehicle intended for the carriage of passengers and which is guided by the mode of guidance prescribed for the purposes of section 1(1)(d) of the 1992 Act by article 2(h) of the Transport and Works (Guided Transport Modes) Order 1992<sup>(10)</sup> (track-based with side guidance) (whether or not capable of being operated in some other way);

“guided busway” means a busway adapted to provide the mode of guidance for a guided bus so prescribed;

“the limits of deviation” means the limits of deviation 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” shall be construed accordingly;

“Order limits” means the limits of deviation and the lines marked “limit of land to be acquired or used” on the deposited plans;

“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;

“public communications provider” has the same meaning as in section 151(1) of the 2003 Act;

“the scheduled works” means the works specified in Schedule 1 to this Order;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“Translink” has the meaning given in article 29 (power to operate and use Translink); and

“the tribunal” means the Lands Tribunal.

(2) Where the book of reference, the deposited sections or the deposited plans was or were revised before this Order was made, any reference to it or them in this Order is to the latest version as certified under article 51 (certification of plans etc).

(3) 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 over its surface and references to the subsoil of any land include references to any cellar, basement, vault, arch or other construction forming part of any such land.

(4) All directions, distances, areas, lengths and points stated in any description of works, powers or lands, shall be construed as if the words “or thereabouts” were inserted after each such direction, distance, area, length, and point, and distances between points on the authorised busway shall be taken to be measured along the centre line of the busway.

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<sup>(9)</sup> 1988 c. 52.

<sup>(10)</sup> S.I. 1992/3231.

(5) Unless the context otherwise requires, 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.

(6) References in this Order to points identified by letters shall be construed as references to the points so marked on the deposited plans.

(7) References in this Order to highways lettered FP, BW or BL are references respectively to footpaths, bridleways and bus lanes.

(8) For the purposes of any enactment applying, or operating by reference to, the definition of “public service vehicle” in section 1 of the Public Passenger Vehicles Act 1981<sup>(11)</sup>, that definition shall be taken to include guided buses operating a service making use of the authorised busway.

### **Application of the 1991 Act**

**3.—**(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway shall be treated for the purposes of Part 3 of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a) and (c) to (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works), or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts).

(2) In Part 3 of the 1991 Act, references in relation to major highway works, to the highway authority concerned shall, in relation to works which are major highway works by virtue of paragraph (1) be construed as references to the Council.

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<sup>(11)</sup> 1981 c. 14.