
STATUTORY INSTRUMENTS

2007 No. 2657

**The London Gateway Logistics and
Commercial Centre Order 2007**

PART 3

OPERATION OF AUTHORISED WORKS

Power to operate and use authorised works

14. The Promoter may operate and use the railway and other authorised works as a system, or part of a system, of transport for the carriage of goods.

Maintenance of approved works, etc.

15.—(1) Where, pursuant to regulations made under section 41 of the 1992 Act (approval of works, plant and equipment), approval has been obtained from the Office of Rail Regulation with respect to any works, plant or equipment (including vehicles) forming part of the authorised works, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the authorised works.

(2) If without reasonable cause the provisions of paragraph (1) are contravened, the Promoter shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Office of Rail Regulation or the Director of Public Prosecutions.

Trespass on authorised works

16. Any person who—

- (a) trespasses on any authorised work; or
- (b) trespasses upon any land of the Promoter in dangerous proximity to the authorised works or to any electrical or other apparatus used for or in connection with the operation of the authorised works,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power of disposal, agreements for operation, etc.

17.—(1) The Promoter may sell, lease, charge or otherwise dispose of, on such terms and conditions as it thinks fit, the whole or any part of the authorised works and any land held in connection with the authorised works or the right to operate the works under this Order.

(2) Without prejudice to the generality of paragraph (1), the Promoter may enter into and carry into effect agreements with respect to any of the following matters, namely, the construction, maintenance, use and operation of the authorised works, or any part of them, by any other person, and other matters incidental or subsidiary thereto or consequential thereon, and the defraying of, or the making of contributions towards, the cost of the matters aforesaid by the Promoter or any other person.

(3) Any agreement under paragraph (2) may provide (amongst other things) for the exercise of the powers of the Promoter in respect of the authorised works or any part of those works, and for the transfer to any person of the authorised works or any part of those works together with the rights and obligations of the Promoter in relation thereto.

(4) The exercise of the powers of any enactment by any person in pursuance of any sale, lease, charge or disposal under paragraph (1), or any agreement under paragraph (2), shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by the Promoter.

Agreements with Network Rail

18.—(1) Subject to Schedule 2 (for the protection of Network Rail), the Promoter and Network Rail may enter into and carry into effect agreements with respect to the construction, maintenance, use and operation of—

- (a) any designated works, or any part of those works; and
- (b) any works required for the purposes of the designated works or in connection with those works,

by Network Rail or by the Promoter, or by the Promoter and Network Rail jointly.

- (a) (2) (a) Any agreement made under this article may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—

- (i) with respect to the defraying of, or the making of contributions towards, the cost of works of alteration or adaptation or the costs of construction, maintenance, use and operation as are referred to in paragraph (1) by the Promoter or by Network Rail or by the Promoter and Network Rail jointly; and

- (ii) for the exercise by Network Rail, or by the Promoter, or by Network Rail and the Promoter jointly, of all or any of the powers and rights of Network Rail and the Promoter (as the case may be) in respect of either of the works referred to in paragraph (1) and any works required for the purposes of those works or in connection with those works.

- (b) The exercise by the Promoter or Network Rail or by the Promoter and Network Rail jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (1) shall be subject to all statutory and contractual provisions relating thereto as would apply if such powers and rights were exercised by the Promoter or Network Rail (as the case may be) alone, and accordingly such provisions shall, with any necessary modifications, apply to the exercise of such powers and rights by the Promoter or Network Rail, or by the Promoter and Network Rail jointly, as the case may be.

(3) The Promoter and Network Rail may enter into, and carry into effect, agreements for the transfer to and vesting in Network Rail or the Promoter, or the Promoter and Network Rail jointly, of—

- (a) the designated works or any part of any of those works; or
- (b) any works, lands, or other property required for the purposes of the designated works or in connection with those works,

together with any rights and obligations (whether or not statutory) of Network Rail or the Promoter relating thereto.

(4) In this article—

“designated works” means any part of the authorised works to be constructed on railway property;

“Network Rail” means Network Rail Infrastructure Limited; and

“railway property” means any railway belonging to Network Rail and any works, apparatus and equipment belonging to Network Rail connected with the railway and includes any land held or used by Network Rail for the purposes of such railway or works, apparatus or equipment.