
STATUTORY INSTRUMENTS

2013 No. 1933

The Leeds Railway Station (Southern Entrance) Order 2013

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Leeds Railway Station (Southern Entrance) Order 2013 and comes into force on 22nd August 2013.

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 1981 Act” means the Acquisition of Land Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(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 1993 Act” means the Railways Act 1993(8);

“the 2003 Act” means the Communications Act 2003(9);

“the Aire and Calder Navigation” means that part of the River Aire comprised in the waterway specified in Part 1 of Schedule 12 to the Transport Act 1968(10);

“address” includes any number or address used for the purposes of electronic transmission;

“authorised works” means the scheduled works and any other works authorised by this Order or any part of them;

“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;

“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) 1981 c. 67.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 1993 c. 43.
(9) 2003 c. 21.
(10) 1968 c. 73.

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

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

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

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

“the limits of deviation” means the limits of deviation for the scheduled works shown on the deposited plans;

“the limits of land to be temporarily used” means the land so shown and described on the deposited plans;

“the limit of land to be acquired or used” means the land so shown and described on the deposited plans;

“the limits of land to be temporarily used for the oversailing of equipment” means the land so shown on and described on the deposited plans;

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

“mooring” means any buoy, pile, pontoon chain or other apparatus used for the mooring of vessels;

“Network Rail” means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at Kings Place, 90 York Way, London N1 9AG;

“the promoter” means West Yorkshire Passenger Transport Executive and Network Rail together, or either of them;

“the Order limits” means the limits of deviation, the limits of land to be acquired or used and the limits of land to be temporarily used shown on the deposited plans;

“owner”, in relation to land, has the same meaning as in the 1981 Act;

“oversailing of equipment” means the construction and operation of craneage required in connection with the construction of the authorised works;

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

“public utility undertakers” has the same meaning as in the 1980 Act;

“the relevant part of the waterway” means that part of the Aire and Calder Navigation as is within the limits of deviation and the limits of land to be temporarily used;

“the scheduled works” means the works specified in Schedule 1 (scheduled works) or any part of them;

“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;

“the traffic regulation and rights of way plan” means the plan certified by the Secretary of State as the traffic regulation and rights of way plan for the purposes of this Order;

“the tribunal” means the Upper Tribunal;

“the Trust” means the Canal & River Trust;

“vessel” includes any part of a vessel; and

“watercourse” means the relevant part of the waterway and any drains, canals, cuts, culverts, sluices, sewers and passages through which water flows except a public sewer or drain.

(2) 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 above its surface.

(3) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands are approximate, and distances between points on a scheduled work are taken to be measured along the scheduled work.

Application of the 1991 Act

3.—(1) Works executed under this Order in relation to a highway which is, or forms part of a carriageway are to be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that 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) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- section 56 (directions as to timing);
- section 56A (power to give directions as to placing of apparatus);
- section 58 (restrictions following substantial road works);
- section 73A (power to require undertaker to re-surface street);
- section 73B (power to specify timing, etc., of re-surfacing);
- section 73C (materials, workmanship and standard of re-surfacing);
- section 78A (contributions to costs of re-surfacing by undertaker); and
- Schedule 3A (restriction on works following substantial street works).

(3) The provisions of the 1991 Act mentioned in paragraph (4) which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street of a temporary nature by the promoter under the powers conferred by this Order whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(4) The provisions of the 1991 Act referred to in paragraph (3) are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 57 (notice of emergency works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertaker to co-operate);
- section 68 (facilities to be afforded to street authority);
- section 69 (works likely to affect other apparatus in the street);
- section 75 (inspection fees);
- section 76 (liability for cost of temporary traffic regulation);
- section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

(5) Sections 54 and 55 of the 1991 Act as applied by paragraph (3) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(6) Nothing in article 11 (construction and maintenance of new or altered streets)—

- (a) prejudices the operation of section 87 of the 1991 Act (prospectively maintainable highways) and the promoter is not by reason of any duty under this Order to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; and
- (b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.