
STATUTORY INSTRUMENTS

2021 No. 419

The Network Rail (Chart Leacon) Order 2021

PART 1

PRELIMINARY

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 Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“the 1991 Act” means the New Roads and Street Works Act 1991(6);

“the 2003 Act” means the Communications Act 2003(7);

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

“authorised works” means the works authorised by the planning permission and any associated or similar works authorised by the Town and Country Planning (General Permitted Development) (England) Order 2015(8);

“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;

“building” includes any structure or erection or any part of a building, structure or erection;

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

“electronic transmission” means a communication transmitted-

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1)(9) (meaning of electronic communications networks and services) of the 2003 Act;

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

(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1981 c. 66.

(5) 1990 c. 8.

(6) 1991 c. 22.

(7) 2003 c. 21.

(8) S.I. 2015/596.

(9) Section 32(1) was amended by S.I. 2011/1210.

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

“the land plan” means the plan certified by the Secretary of State as the land plan for the purposes of this Order;

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

“Network Rail” means Network Rail Infrastructure Limited (Company registration number 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN;

“the Order limits” means the limits of land to be acquired or used which are shown on the land plan and described in the book of reference;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981⁽¹⁰⁾;

“the planning permission” means the planning permission granted under the 1990 Act reference PA/18/01842/AS dated 2 April 2020 by Ashford Borough Council for a light maintenance depot facility and any variation or replacement of that planning permission;

“street” has the meaning given in section 48 (streets, street works and undertakers) of the 1991 Act and “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;

“stopping up plan” means the plan certified by the Secretary of State as the stopping up plan for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal; and

“the undertaking” means the railway undertaking of Network Rail as from time to time existing.

(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 measurements stated in any description of land in the book of reference are approximate.

(4) References in this Order to numbered plots are references to plot numbers shown on the land plan.

(5) References in this Order to hatched land are references to land shown hatched on the stopping up plan.

⁽¹⁰⁾ 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 of the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.