

SCHEDULES

SCHEDULE 10

PROTECTIVE PROVISIONS

PART 2

FOR THE PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED

4. In this Part of this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences)(1) of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 (meaning of “subsidiary” etc) of the Companies Act 2006(2)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail Infrastructure Limited and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail Infrastructure Limited or connected with any such railway; and
- (b) any easement or other property interest held or used by Network Rail Infrastructure Limited for the purposes of such railway or works, apparatus or equipment; and

“specified work” means so much of any of the development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

(1) Section 8 was amended by sections 216 and 274 of, and paragraph 4 of Schedule 17 and Part 4 of Schedule 31 to, the Transport Act 2000 (c. 38); section 16(5) of, and paragraph 3 and 5 of Schedule 2 to, the Railways and Transport Safety Act 2003 (c. 20); section 59(1) of, and paragraph 3 of Schedule 1 and Part 1 of Schedule 13 to, the Railways Act 2005 (c. 14); and S.I. 2015/1682.

(2) 2006 c. 46.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*