
STATUTORY INSTRUMENTS

2006 No. 2310

The Borough of Poole (Poole Harbour
Opening Bridges) Order 2006

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Borough of Poole (Poole Harbour Opening Bridges) Order 2006 and shall come into force on 14th September 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 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);

“the Application Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000, made under sections 6, 6A, 7 and 10 of the Transport and Works Act 1992;

“the authorised works” means the scheduled works and any other works authorised by this Order;

“the Back Water Channel” means the navigable channel between Holes Bay and Poole Harbour between reference points 401000E, 090200N and 400400E, 091350N;

“the Board” means Poole Harbour Bridges Operating Board;

“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;

(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.

“the bridges” means the new bridge and the existing bridge or either of them where the context so requires;

“the Commissioners” means Poole Harbour Commissioners;

“the Council” means the Council of the Borough and County of the Town of Poole;

“the deposited plans” means the plans prepared pursuant to rule 12(1)(a) and (3) of the Applications Rules and 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;

“designated area” means the lands shown on the deposited plans and numbered 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 42 and 46 in the Borough of Poole;

“the existing bridge” means the existing opening bridge crossing the Back Water Channel and known as Poole Bridge;

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

“the harbour master” means the harbour master appointed by the Commissioners and includes his authorised deputies and assistants and any person authorised by the Commissioners to act as harbour master;

“the level of high water” means the level of mean high water springs;

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

“the limits of dredging” means the lines marked “limits of dredging” 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;

“mooring” means any buoy, pile, post, chain, pillar, pontoon, fixed rail or like apparatus or convenience provided or used for the mooring of vessels;

“the new bridge” means the works referred to in Schedule 1 to this Order;

“the Order limits” means any limits of deviation, any limits of dredging and any additional limits of land to be acquired or used which are shown on the deposited plans;

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

“tidal work” means so much of any work authorised by this Order as is in, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond; and

“vessel” means every description of vessel with or without means of propulsion of any kind and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968(8).

(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 over its surface and references to the subsoil of any land include references to any arch or other construction forming part of any such land.

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

(4) References in this Order to reference points shall be construed as references to Ordnance Survey National Grid Reference points.

(5) All distances, directions, lengths and reference points stated in the description of the scheduled works or in any descriptions of powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, direction, length, reference point and distances between points on a scheduled work shall be taken to be measured along the scheduled work.