
STATUTORY INSTRUMENTS

2005 No. 3105

The Docklands Light Railway
(Capacity Enhancement) Order 2005

PART I
PRELIMINARY

Citation and commencement

1. This Order may be cited as the Docklands Light Railway (Capacity Enhancement) Order 2005 and shall come into force on 25th November 2005.

Interpretation

2.—(1) In this Order—

- “the 1845 Act” means the Railways Clauses Consolidation Act 1845(1);
- “the 1961 Act” means the Land Compensation Act 1961(2);
- “the 1965 Act” means the Compulsory Purchase Act 1965(3);
- “the 1980 Act” means the Highways Act 1980(4);
- “the 1981 Act” means the Acquisition of Land Act 1981(5);
- “the 1984 Act” means the Road Traffic Regulation Act 1984(6);
- “the 1990 Act” means the Town and Country Planning Act 1990(7);
- “the 1991 Act” means the New Roads and Street Works Act 1991(8);
- “the 1992 Act” means the Transport and Works Act 1992(9);
- “the 1993 Act” means the Railways Act 1993(10);
- “the 1994 Act” means the London Docklands Development Corporation Act 1994(11);
- “the 2003 Act” means the Communications Act 2003(12);
- “the Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000(13);

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- (1) 1845 c. 20.
 - (2) 1961 c. 33.
 - (3) 1965 c. 56.
 - (4) 1980 c. 66.
 - (5) 1981 c. 67.
 - (6) 1984 c. 27.
 - (7) 1990 c. 8.
 - (8) 1991 c. 22.
 - (9) 1992 c. 42.
 - (10) 1993 c. 43.
 - (11) 1994 c. 13.
 - (12) 2003 c. 21.
 - (13) S.I.2000/2190.

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

“the Board” means the British Waterways 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;

“bridge strengthening” means works to construct or maintain all necessary embankments, aprons, abutments, retaining walls and wing walls for the purposes of strengthening bridges;

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

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system shall be construed in accordance with paragraph 1(3A) of that code;

“the deposited plans” means the composite plans certified by the Secretary of State as the deposited plans for the purposes of this Order and references to land shown on those plans are references to land so shown in pursuance of rule 12(5) of the Applications Rules;

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

“DLRL” means Docklands Light Railway Limited, a company limited by shares and registered in England and Wales under number 2052677;

“the Docks” means West India North Branch Dock, West India Centre Branch Dock, West India South Dock and Millwall Inner Dock shown on the maps referred to in section 3 of the 1994 Act;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part II of the 2003 Act;

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the Secretary of State or a Northern Ireland department is providing or proposing to provide;

“former PTO” means a person—

- (a) who is a provider of a public electronic communications network or a public electronic communications service which, immediately before the date on which the repeal by the 2003 Act of section 7 of the Telecommunications Act 1984(14) comes into force, was designated as a public telecommunication system under section 9 of that Act; and
- (b) who, immediately before that date, was authorised to provide that network or service by a licence to which section 8 of that Act applied.

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

“the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 6(1)(a);

“the limits of land to be acquired or used” means the limit so shown and described 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, pontoon chain or other apparatus used for the mooring of vessels;

“Network Rail” means Network Rail Infrastructure Limited;

“occupier” means a person occupying land under a tenancy for a period of more than one month (not being a statutory tenant within the meaning of the Rent Act 1977⁽¹⁵⁾ or the Rent Agriculture Act 1976)⁽¹⁶⁾;

“operator”, in relation to an electronic communications code network means—

- (a) the electronic communications code operator providing that network; or
- (b) the Secretary of State or a Northern Ireland department, to the extent that they are providing or proposing to provide that network;

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

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

“parking place” has the same meaning as in section 32 of the 1984 Act;

“pile strengthening” means works to construct, alter or otherwise strengthen piers and columns to support DLRL’s railway viaduct;

“provide” and cognate expressions, in relation to an electronic communications network, an electronic communications service or associated facilities, are to be construed in accordance with section 32(4) of the 2003 Act;

“public electronic communications network” and “public electronic communications service” each has the same meaning as in Chapter 1 of Part II of the 2003 Act;

“the scheduled works” means the works specified in Schedule 1 to this Order or any part of them;

“station works” means the works specified in column (3) of Part 2 of Schedule 2 to this Order to be undertaken in relation to the stations specified in column (1) of Part 2 of Schedule 2;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part III of the 1991 Act;

“the tribunal” means the Lands Tribunal; and

“viaduct strengthening” means pile strengthening, works to attach steel plates to DLRL’s railway viaduct and such other works to strengthen DLRL’s railway viaduct as DLRL thinks fit.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air-space over its surface.

(3) Any reference in this Order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to points identified by letters, with or without numbers, shall be construed as references to the points so marked on the deposited plans.

(5) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands shall be construed as if the words “or thereabouts” were inserted

(15) 1977 c. 42. See section 2(1) and Schedule 1, as amended by the Housing Act 1980 (c. 51), sections 76 and 153(2) and Schedule 26, and the Housing Act 1988 (c. 50), section 39(1).

(16) 1976 c. 80. See section 4, as amended by the Rent Act 1977, section 155 and Schedule 23, and the Housing Act 1980, section 76(3).

after each such distance, direction and length, and distances between points on a scheduled work shall be taken to be measured along the scheduled work.

Application of 1991 Act

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway shall be treated for the purposes of Part III of the 1991 Act (street works) 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) Section 56 (directions as to timing) and section 58 (restrictions following substantial road works) of the 1991 Act shall not apply in relation to any works executed under the power of this Order.

(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 shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street by DLRL 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 undertakers 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) Nothing in this Order shall prejudice the operation of section 87 of the 1991 Act (prospectively maintainable highways); and DLRL shall not by reason of any duty under this Order to maintain a street be taken to be the street authority in relation to that street for the purposes of Part III of that Act.

Incorporation of the Railways Clauses Consolidation Act 1845

4.—(1) The following provisions of the 1845 Act shall be incorporated in this Order—

- section 68 and section 69 (accommodation works by company);
- section 71 (additional accommodation works by owners);
- sections 72 and 73 (supplementary provisions relating to accommodation works);
- sections 87 and 88 (contracts with other companies);

section 97 (default in payment of tolls);
sections 103 and 104 (refusal to quit carriage at destination);
section 105 (carriage of dangerous goods on railway);
section 144 (defacing of boards);
section 145 (recovery of penalties);
section 154 (transient offenders).

(2) In those provisions as incorporated in this Order—

“the company” means DLRL;

“goods” includes anything conveyed on the railways authorised to be constructed by this Order;

“lease” includes an agreement for lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be constructed under this Order.

(3) In section 69 of the 1845 Act, as incorporated in this order, for the words “determined by two justices” to the end there shall be substituted the words “referred to arbitration”.

(4) In section 71 of the 1845 Act, as incorporated in this Order, the words “or directed by such justices to be made by the company” shall be omitted, and for the words “authorised by two justices” there shall be substituted the words “determined by arbitration”.

(5) Any difference arising under section 72 of the 1845 Act, as incorporated in this Order, shall be referred to arbitration.