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STATUTORY INSTRUMENTS

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**2007 No. 2657**

**The London Gateway Logistics and  
Commercial Centre Order 2007**

**PART 1**

PRELIMINARY

**Citation and commencement**

**1.** This Order may be cited as the London Gateway Logistics and Commercial Centre Order 2007 and shall come into force on 28th September 2007.

**Interpretation**

**2.—(1)** In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(1)</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991<sup>(2)</sup>;

“the 1992 Act” means the Transport and Works Act 1992;

“application date” means the day on which application was made to the Secretary of State for this Order;

“Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000;

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

“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;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980<sup>(3)</sup>;

“the limits of deviation” means the limits of deviation for the scheduled works mentioned in paragraph (1)(a) of article 6 (Power to deviate) and shown on the deposited plans, or, if, in relation to any such work in a street, no such limits are shown, the boundaries of that street on the application date, including those boundaries as from time to time altered or widened under this Order;

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

“the Promoter” means The Peninsular and Oriental Steam Navigation Company together with Shell UK Ltd;

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<sup>(1)</sup> 1990 c. 8.

<sup>(2)</sup> 1991 c. 22. As amended by the Traffic Management Act 2004 c. 18.

<sup>(3)</sup> 1980 c. 66.

“the scheduled works” means the works specified in Schedule 1 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; and  
“the tribunal” means the Lands Tribunal.

(2) 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.

(3) 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 works “or thereabouts” were inserted after each such distance, direction and length, and distances between points on a scheduled work shall be taken to be measured along that scheduled work.

### **Application of the New Roads and Street Works Act 1991**

**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 3 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 Highways Act 1980 (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

(2) The provisions of the 1991 Act mentioned in paragraph (3) 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 any stopping up, alteration or diversion of a street 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.

(3) The provisions of the 1991 Act referred to in paragraph (2) are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulations);
- section 77 (liability for cost of use of alternative route); and

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

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) shall 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.

### **Incorporation of the Railways Clauses Consolidation Act 1845**

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

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(4) 1845 c. 20.

section 46 (crossings of roads-level crossings);  
section 47 (provision in cases where roads are crossed on a level)<sup>(5)</sup>;  
section 58 (company to repair roads used by them) except for the words from “and if any question” to the end;  
section 61 (company to make sufficient approaches and fences to highways crossing on the level);  
section 68 (accommodation works by company);  
section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in the case of difference, as shall be authorised by two justices”;  
sections 72 and 73 (supplementary provisions relating to accommodation works);  
section 75 (omission to fasten gates)<sup>(6)</sup>;  
section 77 (presumption that minerals excepted from acquisition of land);  
sections 78 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923<sup>(7)</sup>;  
section 105 (carriage of dangerous goods on railway);  
section 145 (recovery of penalties); and  
section 154 (transient offenders).

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

“the company” means the Promoter;

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

“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.

(3) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be substituted the words “Provided always that, with the consent of the highway authority and subject to such conditions as the highway authority may reasonably impose, the railway may be carried across a highway on the level.”.

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<sup>(5)</sup> Amended by Criminal Law Act 1977 (1977 c. 45) s. 31(6) and Criminal Justice Act 1982 (1982 c. 48) ss. 37 and 46.

<sup>(6)</sup> Amended by the Transport and Works Act 1992 (1992 c. 42) s. 49.

<sup>(7)</sup> 1923 c. 20.