
STATUTORY INSTRUMENTS

2015 No. 1876

The Network Rail (Tinsley Chord) Order 2015

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Network Rail (Tinsley Chord) Order 2015 and comes into force on 16th December 2015.

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 1988 Act” means the South Yorkshire Light Rail Transit Act 1988⁽³⁾;

“the 1989 Act” means the South Yorkshire Light Rail Transit Act 1989⁽⁴⁾;

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

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

“authorised tramroad” means the extension of the LRT system authorised by this Order;

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

“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;

“electronic transmission” means a communication transmitted—

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

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

“the Executive” means South Yorkshire Passenger Transport Executive;

“the limits of deviation” means the limits of deviation for the scheduled works shown on the works and land plan;

“the LRT system” means the light rail transit system comprising the railways authorised by the South Yorkshire Light Rail Transit Acts 1988 to 1993 including the railways designated

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1988 c. xxvii.
(4) 1989 c. xix.
(5) 1990 c. 8.

as tramways by those Acts, and all works and conveniences provided in connection with any such railways, as constructed, extended or altered from time to time;

“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 any limits of deviation and any additional limits of land to be acquired or used which are shown on the works and land plan;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(6);

“the promoter” means the Executive and Network Rail together or either of them;

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

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

“the Sheffield to Rotherham railway” means the railway between Sheffield and Rotherham;

“tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway which is not laid along a street or in any other place to which the public has access;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels; and
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

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

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

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

(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 distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands are approximate, and distances between points on a scheduled work are taken to be measured along the scheduled work.

Incorporation of the Railways Clauses Act in relation to the authorised tramroad

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(7) are incorporated in this Order and apply to the authorised tramroad—

section 68 and 69 (accommodation works by company);

section 71 (additional accommodation works by owners);

sections 72 and 73 (supplementary provisions relating to accommodation works);

(6) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 c. 34. There are other amendments to section 7 which are not relevant to this Order.

(7) 1845 c. 20.

section 75 (omitting to fasten gates);
section 103(8) (refusal to quit carriage at destination);
section 105 (carriage of dangerous goods on railway); and
section 145(9) (recovery of penalties).

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

“the company” means the promoter;

“goods” includes anything conveyed on the authorised tramroad;

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

“the special Act” means this Order.

(3) The following enactments do not apply to the authorised tramroad—

the Highway (Railway Crossings) Act 1839(10);

in the Railway Regulation Act 1842, section 9(11); and

the Regulation of Railways Act 1889(12).

Application of the 1988 Act and repeals

4.—(1) Without affecting article 34 (application of general provisions of the 1988 Act and the 1989 Act) and subject to paragraph (2) the authorised tramroad is to be treated as part of the LRT system for the purposes of Part 2 of the 1988 Act and to the extent applicable for the purposes of, and not inconsistent with or varied by, the provisions of this Order, the provisions of Part 2 of the 1988 Act are incorporated into this Order.

(2) Section 9(5)(b) (the minimum distance between passing carriages used on the tramways) of the 1988 Act is repealed.

(8) Section 103 was amended by the Statute Law Revision Act 1892 (c. 19), Part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48).

(9) Section 145 was amended by the Statute Law Revision Act 1892 (c. 19) and Part 2 of Schedule 12 to the Transport Act 1962 (c. 46).

(10) 1839 c. 45.

(11) 1842 c. 55.

(12) 1889 c. 57.