

SCHEDULES

SCHEDULE 11

PROTECTIVE PROVISIONS

PART 5

PROTECTION FOR NETWORK RAIL INFRASTRUCTURE LIMITED

27.—(1) For the protection of Network Rail Infrastructure Limited, the following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Council and Network Rail Infrastructure Limited, have effect.

(2) In this Part of this Schedule—

“authorised railways” means the railways of Network Rail Infrastructure between Luton station and Luton Airport Parkway railway station;

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” shall be construed accordingly;

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

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail (then called Railtrack PLC) by the Secretary of State in exercise of his powers under section 8 of the Railways Act 1993⁽¹⁾;

“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 736 of the Companies Act 1985⁽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, 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 and directly related to any such railway; and
- (b) any easement or other property interest held by or for the benefit of Network Rail and directly related to any such railway;

(1) 1993 c. 43.

(2) 1985 c. 6.

Status: *This is the original version (as it was originally made).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

“relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any restriction of the use of Network Rail railway network as a result of the construction or failure of a specified work or any such act or omission as mentioned in paragraph 38;

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

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.