
STATUTORY INSTRUMENTS

2008 No. 2512

The Felixstowe Branch Line and
Ipswich Yard Improvement Order 2008

PART 1

PRELIMINARY

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 1990 Act” means the Town and Country Planning Act 1990(3);

“the 1991 Act” means the New Roads and Street Works Act 1991(4);

“the 1993 Act” means the Railways Act 1993(5);

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

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

“building” includes any structure or erection or any part of a building, structure or erection;

“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;

“carriageway”, “footway”, “highway” and “highway authority” have the same meaning as in the Highways Act 1980(6);

“electronic transmission” means a communication transmitted—

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

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

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

“limits of land to be acquired or used” means the limits of land to be acquired or used shown on the works and land plans;

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

“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

(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1990 c. 8.

(4) 1991 c. 22. As amended by the Traffic Management Act 2004 c. 18.

(5) 1993 c. 43.

(6) 1980 c. 66.

purpose of this definition, “associated company” means any company which is (within the meaning of section 736 of the Companies Act 1985⁽⁷⁾), the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or other subsidiary of the holding company of Network Rail Infrastructure Limited;

“operator” means an operator within the meaning of section 6(2) of the 1993 Act;

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

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981⁽⁸⁾;

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

“the rights of way plans” means the plans certified by the Secretary of State as the rights of way plans prepared for the purposes of this Order;

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

“the sections” means the sections shown on the works and land plans and certified by the Secretary of State as the sections for the purposes of this Order;

“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;

“the tribunal” means the Lands Tribunal;

“the undertaker” means The Felixstowe Dock and Railway Company being a company limited by shares and incorporated by the Felixstowe Railway and Pier Act 1875⁽⁹⁾ whose registered number is 02590042;

“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

“works and land plans” means the plans certified by the Secretary of State as the works and land plans for the purposes of this Order, and references to land shown on these plans are references to land so shown in pursuance of rule 12(5) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000.

(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.

(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 words “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 the scheduled work.

(7) 1985 c. 6.

(8) 1981 c. 67.

(9) 1875 c. cxlv.