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STATUTORY INSTRUMENTS

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**2017 No. 1329**

**The Boston Barrier Order 2017**

**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 1980 Act” means the Highways Act 1980(3);
- “the 1984 Act” means the Road Traffic Regulation Act 1984(4);
- “the 1990 Act” means the Town and Country Planning Act 1990(5);
- “the 1991 Act” means the New Roads and Street Works Act 1991(6);
- “address” includes any number or address used for the purposes of electronic transmission;
- “the Agency” means the Environment Agency;
- “the authorised works” means the scheduled works and any other works or operations authorised by this Order, or any part of them;
- “the barrier” means the barrier comprised in Work No.1;
- “the Black Sluice Complex” means the existing complex known locally by that name and located at London Road, Boston;
- “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;
- “carriageway” has the same meaning as in the 1980 Act;
- “electronic transmission” means a communication transmitted—
  - (a) by means of an electronic communications network; or
  - (b) by other means but while in electronic form;
- “enactment” means any enactment, whether public, general or local and includes any order, byelaw, rule, regulation, direction, scheme or other instrument having effect by virtue of an enactment;
- “flood gates” means the flood gates comprised in Work Nos. 3A, 4A and 4B;

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(1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1984 c. 27.  
(5) 1990 c. 8.  
(6) 1991 c. 22.

- “footway” has the same meaning as in the 1980 Act;
- “harbour authority” has the same meaning as in the Harbours Act 1964(7);
- “the Harbour Authority” means Port of Boston Limited (registered company number 02198182) being the harbour authority for the Port of Boston, and includes its harbour master and statutory successors;
- “highway” and “highway authority” have the same meanings as in the 1980 Act;
- “internal drainage board” has the same meaning as in Part 1 of the Land Drainage Act 1991(8);
- “the land plans” means the land plans included within the Order plans and certified by the Secretary of State as the land plans for the purposes of this Order;
- “the level of high water” means the level of mean high water springs;
- “the limits of deviation” means the limits of lateral deviation for the scheduled works referred to in article 5 (power to deviate);
- “the limits of land for protective works” means the limits so shown and described on the land plans;
- “the limits of land to be used only temporarily” means the limits so shown and described on the land plans;
- “local authority” has the same meaning as in Part 1 of the Local Government Act 2000(9);
- “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly;
- “the Maud Foster Sluice” means the existing Grade II listed sluice known by that name and located at Windsor Bank, Boston;
- “Order limits” means the limits of deviation, the limits of land for protective works and the limits of land to be used only temporarily;
- “Order plans” means the plans certified by the Secretary of State as the Order plans for the purposes of this Order;
- “owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(10);
- “Port of Boston” means the harbour undertaking of Port of Boston Limited vested in it by the Boston Harbour Revision Order 1989(11);
- “the public rights of way plan” means the public rights of way plan included within the Order plans and certified by the Secretary of State as the public rights of way plan for the purposes of this Order;
- “the river” means the river Witham, also known (downstream of the existing sluice known locally as Grand Sluice and located at Fydell Street, Boston) as the Haven or the Boston Haven;
- “the river area ” means so much of the river as lies within the Order limits;
- “the scheduled works” means the works specified in Schedule 1 (scheduled works) or any part of them;
- “the sections” means the sections included within the Order plans;
- “sewerage undertaker” has the same meaning as in Part 1 of the Water Industry Act 1991(12);
- “street” includes part of a street;

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(7) 1964 c. 40.

(8) 1991 c. 59.

(9) 2000 c. 22.

(10) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c.34). There are other amendments to section 7 which are not relevant to the Order.

(11) S.I. 1989/2036.

(12) 1991 c. 56.

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“tidal work” means so much of any work authorised by this Order as is in, on, under or over tidal waters or tidal lands below the level of high water;

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

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“vessel” means every description of vessel with or without means of propulsion of any kind and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968(13);

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer or drain;

“the Wet Dock” means the existing Wet Dock located within the Port of Boston; and

“the works plan” means the works plan included within the Order plans and certified by the Secretary of State as the works plan for the purpose 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 and references to the subsoil of any land include references to any cellar, basement, vault, arch or other construction forming part of any such land.

(3) Any reference in this Order to a work identified by a number of the work is a reference to the work of that number referred to in Schedule 1 (scheduled works).

(4) References in this Order to numbered plots are references to plot numbers shown on the Order plans.

(5) References in this Order to reference points are construed as references to Ordnance Survey National Grid Reference points.

(6) References in this Order to points identified by letters, or letters and numbers, are to be construed as references to points on the Order plans.

(7) All distances, directions, lengths, points and areas 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 to be taken to be measured along the scheduled work.

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**Commencement Information**

**II** Art. 2 in force at 2.1.2018, see [art. 1](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Boston Barrier Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Order excluded in part by S.I. 2023/778 art. 41](#)