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STATUTORY INSTRUMENTS

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**2022 No. 1067**

The Network Rail (Huddersfield to Westtown  
(Dewsbury) Improvements) Order 2022

PART 1

PRELIMINARY

**Interpretation**

**2.—(1)** In this Order—

- “the 1961 Act” means the Land Compensation Act 1961<sup>(1)</sup>;
- “the 1965 Act” means the Compulsory Purchase Act 1965<sup>(2)</sup>;
- “the 1980 Act” means the Highways Act 1980<sup>(3)</sup>;
- “the 1981 Act” means the Acquisition of Land Act 1981<sup>(4)</sup>;
- “the 1984 Act” means the Road Traffic Regulation Act 1984<sup>(5)</sup>;
- “the 1990 Act” means the Town and Country Planning Act 1990<sup>(6)</sup>;
- “the 1991 Act” means the New Roads and Street Works Act 1991<sup>(7)</sup>;
- “the 2003 Act” means the Communications Act 2003<sup>(8)</sup>;
- “the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016<sup>(9)</sup>;
- “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 or any part of them;
- “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;
- “bridleway” has the same meaning as in the 1980 Act;
- “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;
- “cycle track” has the same meaning as in the 1980 Act;

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(1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1981 c. 67.  
(5) 1984 c. 27.  
(6) 1990 c. 8.  
(7) 1991 c. 22.  
(8) 2003 c. 21.  
(9) S.I. 2016/1154.

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

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

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003<sup>(10)</sup>;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

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

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

“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;

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

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the 1981 Act<sup>(11)</sup>;

“protective works limits” means the protective works limits shown on the deposited plans;

“the Trust” means the Canal and River Trust;

“the scheduled works” means the works specified in Schedule 1 (scheduled works) 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 (street works in England and Wales) of the 1991 Act;

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

“the relevant parts of the waterways” means—

- (a) so much of the Huddersfield Broad Canal as is within the Order limits; and
- (b) so much of the Calder and Hebble Navigation as is within the Order limits; and

“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.

(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 airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land

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<sup>(10)</sup> 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

<sup>(11)</sup> 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.

which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in Network Rail's railway undertaking.

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

(4) All distances, directions and lengths referred to in this Order are approximate and distances between points on a scheduled work are taken to be measured along the scheduled work.

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