
STATUTORY INSTRUMENTS

2013 No. 3244

The Ashton Vale to Temple Meads and
Bristol City Centre Rapid Transit Order 2013

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 and comes into force on 9th January 2014.

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);

“the 1992 Act” means the Transport and Works Act 1992;

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

“the authorised guided busway” means any guided busway authorised by this Order;

“the authorised works” means the scheduled works 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;

“carriageway” has the same meaning as in the 1980 Act;

“cycle track” has the same meaning as in the 1980 Act;

“electronic transmission” means a communication transmitted—

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

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

- (b) by other means but while in electronic form;
- “footway” has the same meaning as in the 1980 Act;
- “guided busway” means a way provided for the use of vehicles which are constructed or adapted to carry more than 8 passengers for hire or reward and use a mode prescribed in article 2(e), (f), (g) or (h) of the Transport and Works (Guided Transport Modes) Order 1992⁽⁷⁾;
- “harbour railway premises” means any premises of the promoter used for, or in connection with, the operation or maintenance of the harbour railway system including any depot, test track, building, site and any harbour railway vehicle;
- “the harbour railway system” means the Bristol Harbour Railway as modified under this Order and any apparatus or facilities used for its operation and other associated authorised works;
- “harbour railway vehicle” means any train using the harbour railway system;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “the limits of deviation” means the limits of deviation for the scheduled works shown on the works and land plans;
- “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly;
- “the Order limits” means the permanent limits and the temporary limits;
- “the 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⁽⁸⁾;
- “parking place” has the same meaning as in section 32 of the 1984 Act;
- “the permanent limits” means the limits of deviation and of land to be acquired or used and the limits of additional land to be acquired or used, as shown on the works and land plans, described in the book of reference and (in the case of the additional land) specified in columns (1) and (2) of Schedule 2 (additional land which may be acquired or used);
- “the promoter” means Bristol City Council and North Somerset Council together or either of them;
- “rapid transit premises” means any premises of the promoter used for, or in connection with, the operation or maintenance of the rapid transit system, including any depot, test busway, building, park and ride site and any rapid transit vehicle;
- “the rapid transit system” means the authorised guided busway and any apparatus or facilities used for its operation and other associated authorised works;
- “rapid transit vehicle” means any vehicle lawfully using the rapid transit system;
- “the relevant part of the Floating Harbour” means so much of the Floating Harbour as is within the Order limits;
- “the relevant part of the River” means so much of the River Avon (New Cut) as is within the Order limits;
- “the rights of way plans” means the rights of way plans included in the Order plans;
- “the scheduled works” means the works specified in Schedule 1 (scheduled works), or any part of them;
- “the sections” means the sections shown in the Order plans;
- “street” includes part of a street;

(7) S.I. 1992/3231. As amended by S.I. 1997/1951.

(8) 1981 c. 67.

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

“the temporary limits” means the limits of land to be used temporarily as shown on the works and land plans, described in the book of reference and specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken);

“the transport systems” means the rapid transit system and the harbour railway system together or either of them;

“the tribunal” means the Upper Tribunal;

“watercourse” includes all docks, 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; and

“the works and land plans” means the works and land plans included in the Order plans.

(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) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to points identified by letters, with or without numbers, or by numbers, are to be construed as references to the points so marked on the Order plans.

(5) 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 taken to be measured along the scheduled work.

Application of enactments relating to railways

3.—(1) The provisions of the Railway Regulation Acts 1840 to 1893⁽⁹⁾ do not apply in relation to the harbour railway system.

(2) The provisions of the Highway (Railway Crossings) Act 1839⁽¹⁰⁾ do not apply in relation to harbour railway system.

Application of the 1991 Act

4.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned are, in relation to works which are major transport works by virtue of paragraph (1), to be construed as references to the promoter.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

section 56 (directions as to timing);

⁽⁹⁾ 1840 c. 97, 1842 c. 55, 1868 c. 119, 1873 c. 48 and 1889 c. 57.

⁽¹⁰⁾ 1839 c. 45.

section 56A (power to give directions as to placing of apparatus);
 section 58 (restrictions following substantial road works);
 section 58A (restriction on works following substantial streetworks);
 section 73A (power to require undertaker to re-surface street);
 section 73B (power to specify timing etc. of re-surfacing);
 section 73C (materials, workmanship and standard of re-surfacing);
 section 78A (contributions to costs of re-surfacing by undertaker); and
 Schedule 3A (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the promoter under the powers conferred by article 11 (temporary stopping up of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act referred to in paragraph (4) are—
 section 54 (advance notice of certain works), subject to paragraph (6);
 section 55 (notice of starting date of works), subject to paragraph (6);
 section 57 (notice of emergency works);
 section 59 (general duty of street authority to co-ordinate works);
 section 60 (general duty of undertakers to co-operate);
 section 68 (facilities to be afforded to street authority);
 section 69 (works likely to affect other apparatus in the street);
 section 75 (inspection fees);
 section 76 (liability for cost of temporary traffic regulation); and
 section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 13 (construction and maintenance of new, altered or diverted streets)—
 (a) affects the operation of section 87 of the 1991 Act (prospectively maintainable highways), and the promoter is not by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
 (b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

(8) To such extent as is reasonably necessary for protecting the transport systems on any street and their operation and use the promoter has the same powers as respects reinstatement as a street authority has under section 72 of the 1991 Act.

(9) The rapid transit system is to be treated as a tramway for the purposes of Part 3 of the 1991 Act and accordingly the provisions of that Part (relating to tramway undertakings and tramways) as modified by this article apply to the transport systems.

(10) In its application to the transport systems section 93(3) of the 1991 Act (works affecting level crossings or tramways) also permits the promoter to make reasonable requirements—

- (a) for allowing it facilities to monitor the execution of the works; and
- (b) for the protection of the transport systems.