
STATUTORY INSTRUMENTS

2002 No. 412

The Chester Guided Busway Order 2002

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Chester Guided Busway Order 2002 and shall come into force on 14th March 2002.

Interpretation

2.—(1) In this Order—

“the 1965 Act” means the Compulsory Purchase Act 1965(1);

“the 1984 Act” means the Road Traffic Regulation Act 1984(2);

“the 1991 Act” means the New Roads and Street Works Act 1991(3);

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

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

“busway system” has the meaning given in article 24 of 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;

“carriageway” has the same meaning as in the Highways Act 1980(4);

“the Council” means Cheshire County Council;

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

“guided bus” means a vehicle intended for the carriage of passengers guided by the mode of guidance prescribed for the purposes of section 1(1)(d) of the 1992 Act by article 2(h) of the Transport and Works (Guided Transport Modes) Order 1992(5) (track based with side guidance) (whether or not capable of being operated in some other way), and “guided busway” means a way providing the mode of guidance so prescribed;

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

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

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

(1) 1965 c. 56.
(2) 1984 c. 27.
(3) 1991 c. 22.
(4) 1980 c. 66.
(5) S.I. 1992/3231.

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

“the limits of widening” means the limits of widening shown on the works plans;

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

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“the scheduled works” means the works specified in Schedule 1 to this Order;

“street” includes part of a street;

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

“the tribunal” means the Lands Tribunal; and

“the works plans” means the plans certified by the Secretary of State as the works plans for the purposes 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 or on land or in the air-space over 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) All directions, distances, areas, lengths and points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction, distance, area, length and point, and distances between points on the authorised guided busway shall be taken to be measured along the centre line of the busway.

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

(5) References in this Order to points identified by letters shall be construed as references to the points so marked on the works plans.

(6) For the purposes of any enactment applying, or operating by reference to, the definition of “public service vehicle” in section 1 of the Public Passenger Vehicles Act 1981(6), that definition shall be taken to include guided buses operating a service making use of the authorised guided busway.

Application of the New Roads and Street Works Act 1991

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

- (a) they are of a description mentioned in any of paragraphs (a) and (c) to (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 Highways Act 1980 (dual carriageways and roundabouts).

(2) In Part III of the 1991 Act, references, in relation to major highway works, to the highway authority concerned shall, in relation to works which are major highway works by virtue of subparagraph (1), be construed as references to the Council.

(6) 1981 c. 14.

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