
STATUTORY INSTRUMENTS

2003 No. 1075

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Network Rail (West Coast Main Line) Order 2003

Made - - - - *7th April 2003*

Coming into force *28th April 2003*

THE NETWORK RAIL (WEST COAST MAIN LINE) ORDER 2003

PART I
PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Incorporation of Railways Clauses Consolidation Act 1845

PART II
WORKS PROVISIONS

Principal Powers

4. Power to construct and maintain certain works
5. Power to construct and maintain ancillary works
6. Power to deviate

Level Crossings

7. Replacement of road level crossings
8. Replacement and closure of footpath level crossings
9. Preston Brook accommodation crossing

Streets

10. Power to control vehicles using Berkswell Underpass
11. Power to execute street works
12. Permanent stopping up of streets and extinguishment of rights
13. Temporary stopping up of streets
14. Access to works

Status: This is the original version (as it was originally made).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

15. Construction and maintenance of new or altered streets
16. Construction of bridges and tunnels
17. Agreements with street authorities

Supplemental powers

18. Temporary closure of part of Grand Union Canal
19. Temporary closure of part of Oxford Canal
20. Temporary closure of part of Trent and Mersey Canal
21. Discharge of water
22. Protective works to buildings
23. Power to survey and investigate land

PART III

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

24. Power to acquire land
25. Application of Part I of Compulsory Purchase Act 1965
26. Power to acquire new rights
27. Power to acquire subsoil only
28. Cases where powers of acquisition limited to soil nailing rights
29. Rights under streets

Temporary possession of land

30. Temporary use of land for construction of works

Compensation

31. Disregard of certain interests and improvements

Supplementary

32. Acquisition of part only of certain properties
33. Extinction or suspension of private rights of way
34. Time limit for exercise of powers of acquisition

PART IV

MISCELLANEOUS AND GENERAL

Noise

35. Defence to proceedings in respect of statutory nuisance

Miscellaneous and supplementary

36. Certain land to be treated as operational land
37. Maintenance of approved works etc.
38. Public open space
39. Disclosure of confidential information
40. Saving for regulated rights etc.
41. Statutory undertakers etc.
42. Protective provisions
43. Certification of plans etc.

- 44. Service of notices
- 45. No double recovery
- 46. Arbitration
- Signature

SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

London to Birmingham Section
Rugby to Stafford Section

SCHEDULE 2 — ADDITIONAL WORKS AND LANDS

PART 1 — GENERAL

PART II — DIVERTED FOOT CROSSINGS

SCHEDULE 3 — REPLACEMENT OF ROAD LEVEL CROSSINGS

SCHEDULE 4 — REPLACEMENT AND CLOSURE OF FOOTPATH LEVEL CROSSINGS

PART I — LEVEL CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART II — LEVEL CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — STREETS SUBJECT TO STREETWORKS

SCHEDULE 6 — STREETS TO BE PERMANENTLY STOPPED UP

PART I — STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART II — STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 7 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 8 — ACCESS TO WORKS

SCHEDULE 9 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

- 1. The enactments for the time being in force with respect...
- 2. (1) Without prejudice to the generality of paragraph 1, the...

Adaptation of the 1965 Act

- 3. (1) The 1965 Act shall have effect with the modifications...
- 4. For section 7 of the 1965 Act (measure of compensation)...
- 5. For section 8 of the 1965 Act (which relates to...
- 6. The following provisions of the 1965 Act (which state the...
- 7. Section 11 of the 1965 Act (powers of entry) shall...
- 8. Section 20 of the 1965 Act (protection for interests of...
- 9. Section 22 of the 1965 Act (protection of acquiring authority's...

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

SCHEDULE 10 — LAND IN RESPECT OF WHICH SOIL NAILING RIGHTS MAY BE ACQUIRED

SCHEDULE 11 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 12 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

Apparatus of statutory undertakers etc. on land acquired

1. (1) Sections 271 to 274 of the 1990 Act (power...

Apparatus of statutory undertakers etc. in stopped up streets

2. (1) Where a street is stopped up under this Order...

Railway and navigation undertakings

3. (1) Subject to the following provisions of this paragraph, the...

SCHEDULE 13 — PROTECTIVE PROVISIONS

PART I — PROTECTION FOR ELECTRICITY, GAS AND WATER UNDERTAKERS

1. (1) For the protection of the undertakers referred to in...
2. Notwithstanding the temporary stopping up or diversion of any highway...
3. (1) Network Rail, in the case of the powers conferred...
4. Notwithstanding anything in this Order or shown on the deposited...
5. (1) If Network Rail, in the exercise of the powers...
6. (1) Where, in accordance with the provisions of this Part...
7. (1) Not less than 28 days before commencing the execution...
8. Where, by reason of this Order, any part of any...
9. (1) Subject to the following provisions of this paragraph, Network...
10. If in consequence of the exercise of the powers of...
11. (1) Where, by reason of the stopping up of any...
12. Any difference arising between Network Rail and an undertaker under...
13. Nothing in this Part of this Schedule shall affect the...

PART II — PROTECTION FOR TELECOMMUNICATIONS OPERATORS

14. (1) For the protection of telecommunications operators the following provisions...
15. The temporary stopping up or diversion of any highway under...
16. (1) Subject to sub-paragraphs (2) to (4), if by reason...
17. Any difference arising between Network Rail and a telecommunications operator...

PART III — PROTECTION FOR SEWERAGE UNDERTAKERS

18. (1) For the protection of sewerage undertakers the following provisions...
19. (1) Before commencing the construction or renewal of any specified...
20. (1) The specified work shall be constructed and in the...
21. (1) Subject to the following provisions of this Part of...
22. (1) An officer of the undertaker duly appointed for the...
23. (1) Notwithstanding the temporary stopping up or diversion of any...
24. Network Rail shall, so far as is reasonably practicable, so...
25. As soon as reasonably practicable after the completion of the...
26. Nothing in this Part of this Schedule shall affect the...

27. Any difference arising between Network Rail and the undertaker under...
- PART IV — PROTECTION FOR LAND DRAINAGE, FLOOD DEFENCE,
WATER RESOURCES AND FISHERIES
28. (1) The following provisions shall apply for the protection of...
29. (1) Before beginning to construct any specified work, Network Rail...
30. Without prejudice to the generality of paragraph 29, the requirements...
31. (1) Subject to sub-paragraph (2), any specified work, and all...
32. (1) Subject to the provisions of this Part of this...
33. Subject to paragraph 35, if by reason of the construction...
34. (1) Network Rail shall take all such measures as may...
35. Nothing in paragraphs 31 to 34 shall authorise the Agency...
36. Network Rail shall indemnify the Agency in respect of all...
37. (1) Without prejudice to the other provisions of this Part...
38. The fact that any work or thing has been executed...
39. For the purposes of section 5 of the Metropolis Management...
40. Any dispute arising between Network Rail and the Agency under...
- PART V — PROTECTION FOR BRITISH WATERWAYS BOARD
41. (1) For the protection of BW the following provisions shall,...

Interpretation

2. In this Part of this Schedule— “BW” means the British...
3. Network Rail shall not under the powers conferred by this...

Powers requiring BW's consent

42. (1) Network Rail shall not in the exercise of the...

Vehicles, plant and machinery

43. Network Rail shall not use any land or property of...

Closure of towing paths etc.

44. If in consequence of or in connection with the exercise...

Fencing

45. Where so required by the engineer Network Rail shall to...

Approval of plans, protective works, etc.

46. (1) Network Rail shall before commencing construction of any specified...

Notice of works

47. Network Rail shall give to the engineer 56 days' notice...

Lighting

48. Network Rail shall provide and maintain at its own expense...

Construction of specified work

49. (1) Any specified work shall, when commenced, be constructed—

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

Prevention of pollution

50. Network Rail shall not in the course of constructing any...

Access to work: provision of information

51. (1) Network Rail shall at all times on being given...

Repayment of BW's fees, etc.

52. Network Rail shall repay to BW all fees, costs, charges...

Making good of detriment: compensation and indemnity, etc.

53. (1) If any detriment shall be caused by the construction...

Arbitration

54. Any difference arising between Network Rail and BW under this...

Explanatory Note