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STATUTORY INSTRUMENTS

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**2005 No. 2786**

The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005, and shall come into force on the day after the day on which it is made.

**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 1990 Act” means the Town and Country Planning Act 1990(3);

“the 1991 Act” means the New Roads and Street Works Act 1991(4);

“apparatus” has the meaning given by section 48(5) of the 1991 Act;

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

“the Applications Rules” means the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2000;

“the Board” means the “British Waterways Board”;

“the Board’s canal” means the Ashby de la Zouch Canal, in so far as it belongs to or is under the management or control of the Board, and includes any works, lands or premises belonging to the Board, or under its management and control, and held or used by the Board in connection with the said canal, but does not include any part of the Canal;

“the book of reference” means the book of reference required to be submitted by the undertaker (being the applicant within the meaning of the Application Rules) pursuant to rules 10(4) and 12(7) of the Application Rules(5);

“the Canal” means the Ashby de la Zouch Canal Extension, comprising the works listed in the scheduled works and all works and conveniences provided in connection therewith and any lands held or used by the undertaker for the purposes thereof, and any reference to the Canal includes any part of it, but does not include any part of the Board’s canal;

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1990 c. 8.

(4) 1991 c. 22.

(5) As to the requirements relating to the deposit of the Order and related documents after the Order is made, see section 14(5) of the 1992 Act.

“highway” and “highway authority” have the same meaning as in the Highways Act 1980(6);  
“the land plans” means the plans required to be submitted by the undertaker pursuant to rules 10(4) and 12(5) of the Applications Rules;

“limits of deviation”, in relation to a work, means the limits of deviation shown on the works plans in relation to that work;

“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) or 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;

“the sections” means the sections required to be submitted under rules 10(3)(a) and 12(3) of the Applications Rules;

“street” includes part of a street, but does not include any towing path forming part of the Board’s canal;

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

“the transfer date”, in relation to any transfer of the Canal or any part of it in accordance with article 29, means the date on which that transfer takes effect;

“the tribunal” means the Lands Tribunal;

“the undertaker” means Leicestershire County Council;

“vessel” includes any ship, boat, barge, lighter, or raft, and any other description of craft, whether used in navigation or not;

“watercourse” includes any river, stream, ditch, drain, cut, canal, culvert, dyke, sluice, sewer and passage through which water flows, whether or not the flow is intermittent, except a public sewer or drain; and

“the works plans” means the plans required to be submitted by the undertaker pursuant to rules 10(3)(a) and 12(1) of the Applications Rules.

(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.

(3) 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 described in Schedule 1 to this Order;

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

(5) All distances, cardinal points of the compass, heights above ordnance datum, levels, lengths and points stated in any description of the works or powers or lands contained in Schedules 1, 5 and 6 to this Order or shown on the land plans or sections or work plans shall be construed as if the words “or thereabouts” were inserted after each such distance, direction, height, length and point, and distances between points on a waterway shall be taken to be measured along the centre line of the channel of the waterway.

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(6) 1980 c. 66. See sections 1 and 328.