
STATUTORY INSTRUMENTS

2007 No. 2297

**The Docklands Light Railway (Capacity Enhancement
and 2012 Games Preparation) Order 2007**

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 and shall come into force on 23rd August 2007.

Interpretation

2.—(1) In this Order—

“the 1845 Act” means the Railways Clauses Consolidation Act 1845**(1)**;

“the 1961 Act” means the Land Compensation Act 1961**(2)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(3)**;

“the 1980 Act” means the Highways Act 1980**(4)**;

“the 1981 Act” means the Acquisition of Land Act 1981**(5)**;

“the 1984 Act” means the Road Traffic Regulation Act 1984**(6)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(7)**;

“the 1991 Act” means the New Roads and Street Works Act 1991**(8)**;

“the 1993 Act” means the Railways Act 1993**(9)**;

“the 1994 Act” means the London Docklands Development Corporation Act 1994**(10)**;

“the 2003 Act” means the Communications Act 2003**(11)**;

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

“authorised works” means the scheduled works and any other works authorised by this Order or any part of them;

(1) 1845 c. 20.

(2) 1961 c. 33.

(3) 1965 c. 56.

(4) 1980 c. 66.

(5) 1981 c. 67.

(6) 1984 c. 27.

(7) 1990 c. 8.

(8) 1991 c. 22.

(9) 1993 c. 43.

(10) 1994 c. xiii.

(11) 2003 c. 21.

“the Bank to Canary Wharf Railway” means that part of the Docklands Light Railway that operates between Bank Station in the City of London and Canary Wharf Station in the London Borough of Tower Hamlets;

“the Board” means the British Waterways Board;

“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 1980 Act;

“the deposited plans” means the plans prepared in pursuance of rule 12(1)(a) and (5) of the Applications Rules and certified by the Secretary of State as the deposited plans for the purposes of this Order and references to land shown on those plans are references to land so shown in pursuance of rule 12(5);

“the deposited sections” means the sections prepared in pursuance of rule 12(3) of the Applications Rules and certified by the Secretary of State as the deposited sections for the purposes of this Order;

“DLRL” means Docklands Light Railway Limited, a company limited by shares and registered in England and Wales under number 2052677;

“the Dock” means the West India North Branch Dock shown on the maps referred to in section 3 of the 1994 Act;

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

“the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 5(1) (power to construct and maintain works);

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

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

“mooring” means any buoy, pile, pontoon chain or other apparatus used for the mooring of vessels;

“Network Rail” means Network Rail Infrastructure Limited;

“the 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 the 1981 Act;

“parking place” has the same meaning as in section 32 of the 1984 Act;

“pile strengthening” means works to construct, alter or otherwise strengthen piers and columns to support DLRL’s railway viaduct;

“the Poplar to Canary Wharf Railway” means that part of the Docklands Light Railway that operates between Poplar Station and Canary Wharf Station in the London Borough of Tower Hamlets;

“public communications provider” has the same meaning as in section 151(1) of the 2003 Act;

“public utility undertakers” has the same meaning as in the 1980 Act;

“the scheduled works” means the works specified in Schedule 1 or any part of them;

“station works” means works to provide platform extensions, stairs, passenger lifts, canopies, electricity substations, the carrying out of viaduct strengthening and the provision of working sites and access;

“street” includes part of a street;

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

“the tribunal” means the Lands Tribunal; and

“viaduct strengthening” means pile strengthening, works to attach steel plates to DLRL’s railway viaduct and such other works to strengthen DLRL’s railway viaduct as DLRL thinks fit.

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

(4) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, direction and length, and distances between points on a scheduled work shall be taken to be measured along the scheduled work.

Application of the 1991 Act

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 3 of the 1991 Act (street works) 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).

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

section 56 (directions as to timing);

section 56A (power to give directions as to placing of apparatus);

section 58 (restrictions following substantial road works);

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).

(3) If any provision mentioned in paragraph (2) is not yet in force on the date this Order comes into force, the exclusion of the operation of any such provision shall not take effect until the date appointed by the Secretary of State for the coming into effect of the provision in question.

(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 shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street of a temporary nature by DLRL under the powers conferred by this Order 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);

section 55 (notice of starting date of works);

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);
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) Nothing in this Order shall prejudice the operation of section 87 of the 1991 Act (prospectively maintainable highways); and DLRL shall not by reason of any duty under this Order to maintain a street be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act.

Incorporation of the Railways Clauses Consolidation Act 1845

4.—(1) The following provisions of the 1845 Act shall be incorporated in this Order—

section 68 (accommodation works by company);
section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;
sections 72 and 73 (supplementary provisions relating to accommodation works);
sections 103 and 104 (refusal to quit carriage at destination);
section 105 (carriage of dangerous goods on railway);
section 145 (recovery of penalties); and
section 154 (transient offenders).

(2) In those provisions as incorporated in this Order—

“the company” means DLRL;
“goods” includes anything conveyed on the railways authorised to be constructed by this Order;
“lease” includes an agreement for a lease;
“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;
“the railway” means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works; and
“the special Act” means this Order.