



Croydon Tramlink Act 1994

1994 CHAPTER xi

PART IV

MISCELLANEOUS AND GENERAL

39 Crown rights

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, without prejudice to the generality of the foregoing, nothing in this Act authorises the Corporation to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—
 - (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or
 - (b) belonging to Her Majesty in right of Her Crown and under the management (pursuant to any statute or otherwise) of the Secretary of State, without his consent in writing; or
 - (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.
- (2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.
- (3) Nothing in this section shall prejudice or affect the exercise of statutory powers to carry out works in or affecting any highway vested in or maintained by the Secretary of State.

40 Environmental protection

The following provisions shall, unless otherwise agreed in writing between the Corporation and the Council, have effect:—

- (1) In this section—

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“construction” includes placing, alteration and renewal;
 “plans” includes sections, drawings, specifications, particulars and descriptions (including descriptions of methods of construction);
 “the specified works” means so much of Works Nos. 3, 3A, 3B, 4, 5 and 6 as may be constructed in the London borough of Croydon.

- (2) The Corporation shall, before commencing the construction of the specified works, supply to the Council proper and sufficient plans thereof for their approval and shall not commence the specified works until plans thereof have been approved in writing by the Council, or settled by arbitration in accordance with subsection (5) below:

Provided that if within 56 days after such plans have been supplied to the Council they shall not have notified their disapproval thereof and the grounds of their disapproval, they shall be deemed to have approved the plans as supplied:

- (3) The construction of the specified works shall, when commenced, be carried out in accordance with the plans as approved by the Council or deemed to have been so approved or settled by arbitration in accordance with subsection (5) below.
- (4) The Council may not withhold their approval under this section except in respect of any detail of the plans which—
- (a) in their reasonable opinion will cause unacceptable detriment to the environment or to the amenity of the borough; and
 - (b) is susceptible of a reasonable alternative which will not in their reasonable opinion cause such detriment.
- (5) Any difference arising between the Corporation and the Council under this section shall be referred to and settled by arbitration but the Corporation and the Council shall use their best endeavours to ensure that proceedings before an arbitrator commence in every case within 7 days of the Corporation or the Council registering such a difference.

41 Power to lop trees overhanging railway

- (1) The Corporation may cut and lop any trees in or near any railway forming part of Tramlink which may in any way interfere with the construction or working of the railway or cables, wires or other apparatus, or with the clear and safe passage of carriages and their passengers.
- (2) In exercising the powers of this section the Corporation shall do no unnecessary damage to trees and shall pay compensation to any person who may sustain damage by reason of the exercise of the powers.
- (3) Every case of compensation under subsection (2) above shall be determined in case of dispute in accordance with Part I of the Land Compensation Act 1961.

42 Traffic control

- (1) The Corporation shall not exercise the powers conferred by section 11 (Subsidiary works) of this Act in relation to any signalling, monitoring or communication equipment the purpose of which is to control traffic on any tramway comprised in Tramlink except with the consent of the Secretary of State.

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- (2) Subject to any general or specific directions given by the Secretary of State, the Corporation shall not exercise the powers conferred by that section in relation to any signalling, monitoring or communication equipment the purpose of which is to control general traffic on the street in which the tramway is laid as well as traffic on the tramway itself except with the consent of the highway authority.
- (3) Subject to any general or specific directions given by the Secretary of State, the highway authority shall, unless otherwise agreed with the Corporation, operate any such signalling, monitoring or communications equipment as is referred to in subsection (1) above if the purpose of operating that equipment is to control general traffic on the street in which the tramway is laid as well as traffic on the tramway itself.

43 Removal of obstructions

- (1) If any obstruction to traffic on Tramlink is caused by—
 - (a) a vehicle on any tramway or at any level crossing waiting, loading, unloading or breaking down; or
 - (b) a load falling on any tramway or at any level crossing from a vehicle;the person in charge of the vehicle shall forthwith remove the vehicle or the load so as to prevent the continuance of the obstruction and, if he fails to do so, the Corporation may remove the vehicle or load, taking all necessary steps for that purpose, and may recover from any person responsible the expenses reasonably incurred in doing so.
- (2) In subsection (1) above “person responsible” means—
 - (a) in the case of a vehicle waiting, loading, unloading or breaking down—
 - (i) the owner of the vehicle at the time at which it became an obstruction to traffic on Tramlink unless he shows that he was not concerned in, or aware of, the vehicle being put or left in that place at that time; and
 - (ii) the person by whom the vehicle was put or left in the place in which it became an obstruction to traffic on Tramlink; and
 - (b) in the case of a load falling from a vehicle—
 - (i) the owner of the vehicle at the time of that event unless he shows that he was not concerned in, or aware of, the vehicle being put or left, or as the case may be, being in the place at which the load fell from it; and
 - (ii) the person in charge of the vehicle at the time when the load fell from it.
- (3) For the purposes of this section the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and in determining, for those purposes who was the owner of a vehicle at any time, it shall be presumed (unless the contrary appears) that the owner was the person in whose name the vehicle was at that time registered under the Vehicles (Excise) Act 1971.

44 For better prevention of trespass on railways

- (1) Any person who trespasses upon any railway lines or sidings or in any tunnel or upon any embankment, cutting or similar work forming part of any railway comprised in Tramlink which is not designated as a tramway, or upon any other lands of the Corporation to which the public are not admitted in dangerous proximity to any such lines or other works or to any electrical apparatus used for or in connection with the

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working of any such railway, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) No person shall be convicted of an offence under this section unless it is proved to the satisfaction of the court before which complaint is laid that public warning has been given to persons not to trespass upon the railways comprised in Tramlink by notice clearly exhibited and maintained at the station on Tramlink nearest to the place where the offence is alleged to have been committed.

45 Penalty fares

- (1) The Secretary of State may, at the request of the Corporation, by order provide that any enactment (whether passed before or after this Act) relating to the imposition by the Corporation of penalty fares on passengers travelling on a bus service or a train service shall have effect, as from such date as may be specified in the order, with respect to passengers travelling on Tramlink with such modifications as may be specified in the order.
- (2) Any order under subsection (1) above, and any order revoking such an order, may contain such supplementary, incidental and consequential provisions (including transitional provisions) as may appear to the Secretary of State to be necessary or expedient.
- (3) The power to make an order conferred on the Secretary of State by subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Secretary of State may recover from the Corporation payment of administrative costs reasonably incurred by him in connection with an application for an order under subsection (1) above and, where the order is made, in connection with the making of the order subject to a maximum payment of £5,000 in respect of the application for and making of any such order.

46 Byelaws relating to Tramlink

- (1) The Corporation may make byelaws regulating the use of and working of, and travel on, Tramlink, the maintenance of order on Tramlink and on the Corporation's premises or other facilities provided in connection with Tramlink and the conduct of all persons including officers and servants of the Corporation while on those premises.
- (2) Without prejudice to the generality of subsection (1) above, byelaws under this section may contain provisions—
- (a) with respect to tickets issued for travel on Tramlink, the payment of fares and charges and the evasion of payment of fares and charges;
 - (b) with respect to interference with, or obstruction of, the working of Tramlink or other facilities provided in connection with Tramlink;
 - (c) with respect to the use of tobacco or other substances and the prevention of nuisances;
 - (d) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within railway premises of the Corporation, not being premises within the boundary of any street;
 - (e) for the safe custody and delivery or disposal of property found in premises of the Corporation forming part of, or provided in connection with, Tramlink,

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- or elsewhere on Tramlink and for fixing the charges which may be made in respect thereof; and
- (f) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any authorised railway, or in premises of the Corporation forming part of Tramlink.
- (3) Byelaws made under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding for each offence level 3 on the standard scale.
- (4) Without prejudice to the taking of proceedings under subsection (3) above, if the contravention of any byelaw having effect under this section is attended with danger or annoyance to the public, or hindrance to the Corporation in the conduct of Tramlink, it shall be lawful for the Corporation summarily to take action to obviate or remove the danger, annoyance or hindrance.
- (5) The power of making byelaws under this section shall include power to vary or repeal any byelaw previously made under this section.
- (6) Subsections (5) to (11) of section 67 of the Transport Act 1962 (confirmation of byelaws) shall apply to any byelaws made by the Corporation under this section as they apply to any byelaws made under that section.

47 Carriages on Tramlink deemed public service vehicles

- (1) On such day as may be appointed under subsection (2) below, regulations made, or having effect as if made, under section 25 or 60 (1) (k) of the Public Passenger Vehicles Act 1981 (regulation of conduct of passengers and lost property) shall have effect as if the carriages used on Tramlink were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985.
- (2) (a) The Corporation may by resolution appoint a day for the purpose of any regulation mentioned in subsection (1) above, the day so appointed being fixed in accordance with paragraph (b) below.
- (b) The Corporation shall publish in a newspaper circulating in the area in which Tramlink is situated, notice—
- (i) of the passing of any such resolution and of the day fixed thereby; and
- (ii) of the general effect of the enactments for the purposes of which the day has been fixed;
- and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.
- (c) A photostatic or other reproduction certified by the secretary of the Corporation to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in paragraph (b) above shall be evidence of the publication of the notice and of the date of publication.

48 Proposed discontinuance of services on Tramlink

The provisions of Schedule 5 to the Railways Act 1993 (procedure for closure of certain railway passenger services) shall apply in relation to any passenger services operating on Tramlink as if those services were for the time being designated in an

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order under section 49 (3) of that Act as railway passenger services in relation to which that Schedule is to have effect.

49 Application of Railways Act 1993

For the avoidance of doubt it is hereby declared that Tramlink shall be deemed to be a tramway for the purposes of Part I of the Railways Act 1993.

50 Transfer of functions

- (1) The Secretary of State may by order provide that all or any of the functions of the Corporation arising under this Act shall be transferred to and vested in any other person.
- (2) A transfer order may be made so as to transfer and vest such functions in a person for such period as may be specified in that order or for so long as the order remains in force.
- (3) Without prejudice to the power of the Secretary of State to revoke or amend a transfer order, a transfer order may specify circumstances in which that order shall cease to have effect before the expiry of any period specified in any such order.
- (4) A transfer order may include such supplementary, incidental, transitional and consequential provisions as the Secretary of State may consider to be necessary or expedient.
- (5) Upon expiry of any period specified in a transfer order in accordance with subsection (2) above or upon a transfer order being revoked or otherwise ceasing to have effect, the functions of the Corporation which were transferred by that order shall, by virtue of this subsection but subject to the effect of any further transfer order, be transferred to and vested in the Corporation but such vesting in the Corporation shall not make the Corporation subject to any of the liabilities of the person in whom those functions had previously been vested (other than liabilities which arise pursuant to any undertaking given to a Parliamentary Committee during the passage through Parliament of the Bill for this Act or any undertaking or agreement given to a person in consideration of his refraining from opposition to that Bill).
- (6) Notwithstanding the provisions of section 50 (2) of the Fair Trading Act 1973 the Director General of Fair Trading may make a monopoly reference, within the meaning of that Act, in respect of services consisting of the carriage of passengers or goods by rail on the authorised railways at any time during which the functions of the Corporation under this Act in respect of the provision of any of those services have been transferred to and are vested in any other person by virtue of a transfer order.
- (7) Subject to subsection (8) below, while the functions of the Corporation under this Act in respect of the provision of passenger services are vested in a transferee by virtue of a transfer order, it shall be the duty of the Committee to consider and, where it appears to them to be desirable, make recommendations with respect to any matter affecting such services which is—
 - (a) the subject of representations (other than representations appearing to the Committee to be frivolous) made to the Committee by or on behalf of users of those services; or
 - (b) referred to the Committee by the Secretary of State or by the transferee; or

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- (c) in the opinion of the Committee a matter to which consideration ought to be given;
- and copies of the minutes, conclusions and recommendations of the Committee shall be sent to the Secretary of State, the transferee and to such person as may be directed by the Secretary of State.
- (8) (a) Subsection (7) above shall apply only after the opening for passenger services of the railway comprised within the authorised works and nothing in that subsection shall entitle the Committee to consider the charges made for any services, or to consider any question relating to the discontinuance or reduction of railway services or, subject to paragraph (b) below, any matter which is the subject of a monopoly reference by the Director General of Fair Trading pursuant to subsection (6) above.
- (b) Nothing in subsection (8) (a) above shall affect consideration under section 81 of the Fair Trading Act 1973 of any representations made by the Committee pursuant to that section or preclude the Committee from being heard orally under that section.
- (9) The power to make a transfer order shall be exercisable by statutory instrument.
- (10) The Secretary of State may recover from the Corporation payment of administrative costs reasonably incurred by him in connection with an application for an order under this section and, where the order is made, in connection with the making of the order subject to a maximum payment of £5,000 in respect of the application for and making of any such order.
- (11) In this section—
- “the Committee” means the London Regional Passengers' Committee;
 - “functions” includes powers, duties and obligations;
 - “transferee” means the person to whom the functions of the Corporation under this Act in respect of the provision of passenger services have been transferred by virtue of a transfer order; and
 - “transfer order” means an order made under this section.

51 As to land of Council

- (1) Notwithstanding the provisions of section 123 (2) of the Local Government Act 1972, where land held by the Council is shown on the deposited plans within the limits of deviation for the authorised works or within the limits of land to be acquired or used, the Council may dispose of that land to the Corporation for a consideration less than the best that can reasonably be obtained.
- (2) Where by virtue of subsection (1) above the Council dispose of land which is held—
- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
 - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.
- (3) Subsection (4) below shall apply if—

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- (a) the construction of the authorised works shall not have begun within the period specified in section 55 (2) (Planning permission) of this Act, or
- (b) the provisions of this Act which confer power to construct, maintain and operate so much of Tramlink as is situated, or is to be situated, on the designated land are repealed, and

at the end of that period or (as the case may be) on the day on which the provisions are repealed any land which adjoins the designated land is held by the Council or any other person on terms (however expressed and whether imposed by or under statute or any other instrument) requiring the land to be preserved or regulated as a park, recreation ground or public open space for the enjoyment of the public.

- (4) Where this subsection applies, the Secretary of State may, on an application made in accordance with subsection (5) below by any interested person, make an order vesting the designated land or any part of that land in such person as he may determine on the same terms as the adjoining land is held or on such other terms as he shall consider appropriate, being terms which secure that the designated land (or that part of it) is preserved or regulated as a park, recreational ground or public open space for the enjoyment of the public.
- (5) An application under subsection (4) above shall be made in writing and—
 - (a) in a case falling within paragraph (a) of subsection (3) above, within 12 months of the end of the period referred to in that paragraph, or
 - (b) in a case falling within paragraph (b) of that subsection, within 12 months of the repeal of the provisions referred to in that paragraph.
- (6) The Secretary of State shall not make an order under subsection (4) above in relation to any land unless he is satisfied that the land is no longer required for the purposes of Tramlink; and before making such an order he shall give to the owner, lessee or occupier of the land the opportunity of making representations.
- (7) In this section—
 - “the designated land” means so much of the land in the London borough of Croydon shown numbered 5A, 76, 78, 79, 81, 98, 99, 102, 104, 106, 108, 112, 118 and 126 on the deposited plans, and so much of the land in the London borough of Bromley shown numbered 1 on those plans, as may be acquired for the purposes of Tramlink pursuant to the powers conferred by this Act; and
 - “the adjoining land” means the land adjoining the designated land and referred to in subsection (3) above.

52 Power of Council to make agreements

The Council may enter into and carry into effect agreements with respect to the construction, maintenance, use and operation of Tramlink or any part or parts thereof and as to any other matters incidental or subsidiary thereto or consequential thereon.

53 As to application of certain railway enactments

- (1) Any enactment by which any railway or former railway of the railways board comprised within the affected properties was authorised shall have effect subject to the provisions of this Act.
- (2) Nothing in subsection (1) above shall prejudice any express statutory provision for—

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- (a) the protection of the owner, lessee or occupier of any specifically designated property; or
 - (b) the protection or benefit of any public trustees or commissioners, corporation or other person, specifically named in such provision.
- (3) In this section “affected properties” has the same meaning as in section 16 (Agreements with British Railways Board) of this Act.

54 Saving for Reservoirs Act 1975

Nothing in this Act shall affect the application of the Reservoirs Act 1975.

55 Planning permission

- (1) In this section “Part 11 development” means development permitted by article 3 of, and Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).
- (2) Subject to the provisions of subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Part 11 development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years of the passing of this Act.
- (3) Subsection (2) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works authorised by this Act or the substitution of new works therefor.
- (4) Without prejudice to the planning permission granted for Part 11 development, it is hereby declared for the avoidance of doubt that, for the purposes of Part 17 of Schedule 2 to the said Order of 1988 (which permits certain development by statutory undertakers)—
- (a) the tramways comprised in Tramlink and the works and conveniences connected with those tramways shall be taken to be a tramway undertaking within Class H of that Part of that Schedule; and
 - (b) the authorised railways other than tramways comprised in Tramlink and the works and conveniences connected with those railways shall be taken to be a light railway undertaking within Class A of that Part of that Schedule.

56 For protection of British Railways Board

For the protection of the railways board the following provisions shall, unless otherwise agreed in writing between the Corporation and the railways board for the purposes of this section, have effect:—

- (1) In this section—
- “construction” includes reconstruction and, where the context so admits, includes maintenance and repair of the specified works;
 - “the engineer” means an engineer to be appointed by the railways board;
 - “plans” includes sections, drawings, particulars and schedules of construction;

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“railway property” means any railway of the railways board, and any works, apparatus and equipment of the railways board connected therewith and includes any land held or used by the railways board for the purposes of such railway or works; and

“the specified works” means so much of the authorised works as may be situated upon, across, under, over or within 15 metres of railway property or may in any way affect railway property.

- (2) The exercise by the Corporation against the railways board of the powers of section 11 (3) of the Act of 1965 shall be confined to lands which the Corporation are empowered to acquire compulsorily under section 28 (Power to acquire lands) of this Act.
- (3) In its application to the service on the railways board of notice of entry in respect of the following lands:—
- the lands of the railways board delineated on the deposited plans and therein numbered 56, 57, 58, 60, 62, 66, 84, 85, 86, 87, 88, 89, 90 and 91 in the London borough of Croydon,
- section 11 (1) of the Act of 1965 (as incorporated by section 5 (1) (Application of Part I of Compulsory Purchase Act 1965) of this Act) shall have effect as if for the word “fourteen” there were substituted the words “one hundred and eighty”.
- (4) No part of the track formation of the authorised railways shall be constructed so as to pass beneath the track formation of any operational railway of the railways board:
- Provided that this subsection shall not preclude the construction of track formation beneath a bridge carrying an operational railway of the railways board.
- (5) Except with the consent of the railways board—
- (a) the Corporation shall not in the exercise of the powers of this Act interrupt or prejudicially affect pedestrian or vehicular access to any operational station of the railways board or any other railway property; and
- (b) the provisions of section 29 (Extinction of private rights of way) of this Act shall not apply to any right of access of the railways board to any railway property:
- Provided that such consent shall not be unreasonably withheld but may be given subject to reasonable conditions.
- (6) The Corporation shall not under the powers of this Act enter upon any railway property for the purpose of exercising its powers under section 41 (Power to lop trees overhanging railway) of this Act without the consent of the railways board which shall not be unreasonably withheld but which may be given subject to reasonable conditions.
- (7) (a) The Corporation shall, before commencing the construction of the specified works, furnish to the railways board such proper and sufficient plans thereof (including, in the case of the works described in paragraphs (xiii), (xiv), (xx) and (xxi) of Part II of Schedule 1 to this Act, particulars as to the working methods and the regulation of traffic in the vicinity of the works) as may reasonably be required by the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration as provided in paragraph (b) below;
- (b) The engineer’s approval under paragraph (a) above shall not be unreasonably withheld and any question of whether it has been unreasonably withheld shall

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be settled by arbitration, and in any event if within 56 days after such plans have been furnished to the railways board the engineer has not notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as submitted.

- (8) If within 56 days after such plans have been furnished to the railways board, the railways board give notice to the Corporation that the railways board themselves desire to construct any part of the specified works, which in the opinion of the engineer will or may affect the stability of railway property and the safe operation of the railways of the railways board, then, if the Corporation desire such part of the specified works to be constructed, the railways board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Corporation in accordance with the plans approved or deemed to be approved or settled as aforesaid.
- (9) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the construction of the specified works to ensure the stability of railway property, the continuation of safe and effective operation of the railways of the railways board (including any relocation of works, apparatus and equipment necessitated by the specified works) and the comfort and safety of their passengers who may be affected by the specified works, and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board with all reasonable dispatch or, if the railways board so desire, such protective works shall be carried out by the Corporation at their own expense, and the Corporation shall not commence the construction of the specified works until the engineer has notified the Corporation that the protective works have been satisfactorily completed.
- (10) The Corporation shall give to the engineer not less than 56 days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works insofar as such works of repair or maintenance affect or interfere with railway property.
- (11) The construction of the specified works and of any protective works carried out by the Corporation by virtue of the provisions of subsection (9) above shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage as may be to railway property and as little interference as may be with the conduct of traffic on the railways of the railways board and the use by passengers of railway property and, if any damage to railway property or any such interference is caused by the carrying out of the specified works, the Corporation shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to the railways board all reasonable expenses which the railways board may reasonably incur and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this subsection shall impose any liability on the Corporation with respect to any damage, cost, expense or loss which is attributable to the act, neglect or default of the railways board or their servants or agents.

- (12) Without prejudice to the generality of subsections (9) and (11) above, the railways board may, in approving the plans of or in supervising the carrying out of the specified

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works or of any protective works carried out by the Corporation by virtue of the provisions of subsection (9) above, impose reasonable conditions with a view to ensuring that—

- (a) nothing shall be done by or on behalf of the Corporation which impedes the free, uninterrupted and safe flow of passengers to and from the Wimbledon, Mitcham Junction, West Croydon, East Croydon, Elmers End, Birkbeck and Beckenham Junction stations of the railways board;
 - (b) dust sheets and other works and working methods are used so as to prevent, so far as practicable, any dust or dirt from the relevant works affecting such passengers; and
 - (c) adequate signing of all alterations of routes for passengers and of any hazards or obstructions to the free movement of passengers is provided.
- (13) The Corporation shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof.
- (14) During the construction of any works by the railways board under this section the railways board shall at all times afford reasonable facilities to the Corporation and their agents for access to those works, and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof.
- (15) If any alterations or additions, either permanent or temporary, to railway property are reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, by reason of the construction of the specified works, such alterations and additions may be carried out by the railways board and, if the railways board give to the Corporation reasonable notice of their intention to carry out such alterations or additions, the Corporation shall pay to the railways board the reasonable cost thereof including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the railways board in maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that, if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Corporation to the railways board under this section.

- (16) The Corporation shall repay to the railways board all reasonable costs, charges and expenses reasonably incurred by the railways board—
- (a) in constructing any part of the specified works on behalf of the Corporation as provided by subsection (8) above or in constructing any protective works under the provisions of subsection (9) above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the railways board in maintaining and renewing such works;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;

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- (c) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed by reason of the construction or failure of the specified works, or from the substitution or diversion of services which may be reasonably necessary for the same reason;
 - (d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction or failure of the specified works;
 - (e) in respect of the supervision by the engineer of the construction of the specified works.
- (17) The Corporation shall be responsible for, and make good to the railways board, all reasonable costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the railways board—
- (a) by reason of the construction of the specified works (as opposed to their existence) or the failure thereof; or
 - (b) by reason of any act or omission of the Corporation or of any person in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;

and the Corporation shall indemnify the railways board from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done in accordance with any requirement of the engineer or under his supervision, shall not (if it was not attributable to the act, neglect or default of the railways board, or of any person in their employ, or of their contractors or agents) excuse the Corporation from any liability under the provisions of this section:

Provided that the railways board shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation.

- (18) Any difference arising between the Corporation and the railways board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

57 Protection of certain bodies and persons

Schedule 5 to this Act shall have effect for protecting the interests of the bodies and persons specified in that Schedule.

58 Arbitration

Where under this Act any difference (other than a difference to which the provisions of the Act of 1965 as applied by this Act apply) is to be determined by arbitration, then, unless otherwise provided, the difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.