

**ELIZABETH II**



**1988 CHAPTER i**

An Act to empower the Greater Manchester Passenger Transport Executive to construct works and to acquire lands; to confer further powers on the Executive; and for other purposes. [9th February 1988]

**W**HEREAS the area of the Greater Manchester Passenger Transport Executive (hereinafter referred to as "the Executive") is the metropolitan county of Greater Manchester:

And whereas it is the duty of the Executive under the Transport Act 1968 to secure the provision of such public passenger transport services as they consider it appropriate to secure for meeting any public transport requirements within their area in accordance with policies formulated by the passenger transport authority for their area: 1968 c. 73.

And whereas the provision of a light rapid transit system in the city of Manchester would further that object and be of great public advantage:

And whereas it is expedient that the Executive should be empowered to construct the works authorised by this Act and to acquire or use the lands referred to in this Act:

c. i Greater Manchester (Light Rapid Transit System)  
Act 1988

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Executive and that the other provisions in this Act should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers, of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, with the chief executive of the Greater Manchester County Council and with the town clerk and chief executive of the Council of the City of Manchester and such plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas the said county council have approved the promotion of the Bill for this Act pursuant to section 10 (1) (xxix) of the Transport Act 1968:

1968 c. 73.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Citation. 1. This Act may be cited as the Greater Manchester (Light Rapid Transit System) Act 1988.

Interpretation. 2.—(1) In this Act, unless the context otherwise requires—  
“the city” means the city of Manchester;  
“the Executive” means the Greater Manchester Passenger Transport Executive;  
“the light rapid transit system” means Works Nos. 1 to 10 and includes all works and conveniences provided in connection therewith, as existing, altered or constructed (as the case may be) from time to time;  
“the railways board” means the British Railways Board;

“statutory undertakers” means a public gas supplier within the meaning of Part I of the Gas Act 1986, the North Western Electricity Board and the North West Water Authority, or any of them, as the case may be; PART I  
—cont.  
1986 c. 44.

“street” has the meaning given by section 329 of the Highways Act 1980; 1980 c. 66.

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984; 1984 c. 27.

“the tribunal” means the Lands Tribunal.

(2) Where in this Act any distance or length is stated, or any reference point is referred to, in any description of works or functions, the reference to that distance, length or reference point shall be construed as if the words “or thereabouts” were inserted after such distance, length or reference point (as the case may be).

(3) Any reference in this Act 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 Act.

(4) References in this Act to reference points shall be construed as references to National Grid reference points.

3.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4 and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981. Application of  
Part I of  
Compulsory  
Purchase Act  
1965.  
1965 c. 56.  
1981 c. 67.

(2) In subsection (1) of section 11 of the said Act of 1965, as so applied, for the words “fourteen days” there shall be substituted the words “three months”.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act. 1845 c. 18.

4.—(1) Subject to subsection (2) below, the provisions of the Public Utilities Street Works Act 1950 shall apply and have effect as if, notwithstanding the exception in subsection (1) of section 1 of that Act of a power conferred for the purposes of a tramway undertaking, the powers of the Executive under this Act to carry out works in streets were powers to which the said section 1 applies. Application of  
Public Utilities  
Street Works  
Act 1950.  
1950 c. 39.

(2) The said Act of 1950 shall not extend by virtue of this section to regulate the relations between the Executive and any other person in respect of any matter or thing concerning which

c. i Greater Manchester (Light Rapid Transit System)  
Act 1988

PART I  
—cont.

those relations are regulated in any respect by the following provisions of this Act:—

Section 43 (For protection of electricity, gas and water undertakers);

Section 44 (For protection of North West Water Authority);

Section 45 (For protection of hydraulic pipes).

PART II

LIGHT RAPID TRANSIT SYSTEM

Power to  
make works.

5.—(1) Subject to the provisions of this Act, the Executive may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the city hereinafter described with all necessary works and conveniences connected therewith:—

Work No. 1 A tramroad 418 yards (382 metres) in length (double line) commencing by a junction with the Manchester to Bury Railway of the railways board at reference point SJ84216 99173 passing thence in a south-westerly direction and terminating on the western side of Corporation Street at reference point SJ84085 98873;

Work No. 2 A tramway 161 yards (147 metres) in length (double line) commencing at the termination of Work No. 1 passing thence in an easterly direction along Balloon Street and terminating on the eastern side of Dantzig Street at reference point SJ84205 98795;

Work No. 3 A tramroad 105 yards (96 metres) in length (double line) commencing at the termination of Work No. 2 passing thence in a southerly direction and terminating on the northern side of Shude Hill at reference point SJ84249 98709;

Work No. 4 A tramway 586 yards (536 metres) in length (double line) commencing at the termination of Work No. 3 passing thence in a south-westerly direction along Nicholas Croft, High Street, Market Street and George Street and terminating in Work No. 10 at reference point SJ84313 98244;

Work No. 5 A tramroad 573 yards (524 metres) in length (double line) commencing on the viaduct of the dismantled railway leading to the former Central Station of the railways board at reference point SJ83255 97615 passing thence in an easterly direction and terminating on the northern side of Lower Mosley Street at reference point SJ83738 97701;

Work No. 6 A tramway 941 yards (860 metres) in length (double line) commencing at the termination of Work No. 5 passing thence in an easterly direction along Lower Mosley Street, St. Peter's Square and Mosley Street and terminating in Work No. 4 at reference point SJ84295 98347;

Work No. 7 A tramroad 302 yards (276 metres) in length (double line) commencing on the southern side of Sheffield Street at reference point SJ84970 97871 passing in a south-westerly direction through the Piccadilly Station of the railways board and terminating on the eastern side of London Road at reference point SJ84717 97869;

Work No. 8 A tramway 118 yards (108 metres) in length (double line) commencing at the termination of Work No. 7 passing thence in a north-westerly direction along London Road and terminating on the westerly side of London Road at reference point SJ84658 97955;

Work No. 9 A tramroad 91 yards (83 metres) in length (double line) commencing at the termination of Work No. 8 passing thence in a north-westerly direction and terminating on the eastern side of Aytoun Street at reference point SJ84583 97987;

Work No. 10 A tramway 532 yards (487 metres) in length (double line) commencing at the termination of Work No. 9 passing thence in a north-westerly direction along Aytoun Street and Parker Street and terminating in Work No. 6 at reference point SJ84224 98261;

Work No. 11 A new street 35 yards (32 metres) in length commencing at reference point SJ84636 97961 and terminating at reference point SJ84655 97942.

(2) Notwithstanding anything to the contrary in this Act or shown on the deposited plans or the deposited sections, but without prejudice to the provisions of section 8 (Power to deviate) or section 41 (For protection of British Railways Board) of this Act, the Executive may, subject to the approval of the Secretary of State, construct the whole or any part of Work No. 5 within the limits of deviation in accordance with dimensions and descriptions other than the dimensions and descriptions shown on the deposited plans and the deposited sections or set out in subsection (1) above.

(3) On completion of any of the tramways (Works Nos. 2, 4, 6, 8 or 10) the Executive shall provide such traffic signs as may be appropriate for warning other traffic of the presence of that tramway and for regulating the use of the streets along which the tramway is situated, or which it crosses, by all traffic.

PART II  
—cont.

(4) The platforms and stopping places forming part of the light rapid transit system shall be constructed of such a length as to be capable of accommodating two articulated units, that is to say four tram sections.

Further  
works and  
powers.

6.—(1) Subject to the provisions of this Act, the Executive may make and maintain the further works described in this section, with all necessary works and conveniences connected therewith, and may exercise the powers hereinafter mentioned:—

In the city—

(a) they may stop up and discontinue so much of the street known as Halliwell Street as lies between the points marked “A” and “B” on the deposited plans and may substitute therefor a footpath between the points marked “A” and “C” on the deposited plans;

(b) they may stop up and discontinue so much of the street known as Snow Hill as lies between the points marked “D” and “E” on the deposited plans;

(c) they may stop up and discontinue so much of the street known as Bridgewater Place as lies between the points marked “F” and “G” on the deposited plans;

(d) they may stop up and discontinue so much of the street known as Major Street as lies between the points marked “P” and “Q” on the deposited plans;

(e) they may stop up and discontinue so much of the street known as Blaydon Street as lies between the points marked “R” and “S” on the deposited plans;

(f) they may set back so much of the footway of the street known as Lower Mosley Street as lies between the points marked “U” and “V” on the deposited plans;

(g) they may stop up and discontinue so much of the street known as St. Peter’s Square (West Side) as lies between the points marked “W” and “X” on the deposited plans;

(h) they may set back so much of the footway of the street known as Mosley Street as lies between the points marked “Y” and “Z” on the deposited plans;

(i) they may set back so much of the footway of the street known as George Street as lies between the points marked “H” and “J” on the deposited plans;

(j) they may set back so much of the footway of the street known as Aytoun Street as lies between the points marked “K” and “M” on the deposited plans;

(k) they may set back so much of the footway of the street known as Parker Street as lies between the points marked "AA" and "BB" on the deposited plans;

PART II  
—cont.

(l) they may set back so much of the footway of the street known as Lower Mosley Street as lies between the points marked "CC" and "DD" on the deposited plans;

(m) they may set back so much of the footway of Balloon Street as lies between the points marked "EE" and "FF" on the deposited plans;

(n) they may set back so much of the footway of the streets known as High Street and Market Street as lies between the points marked "L" and "N" on the deposited plans.

(2) After the stopping up of any part of a street under paragraphs (c), (d), (e) and (g) of subsection (1) above, all rights of way over or along the part of the street so stopped up shall be extinguished, other than a right of way on foot only, subject to the provisions of subsection (3) below.

(3) In the execution of each of the works referred to in the said paragraphs (c), (d), (e) and (g), the Executive may place such bollards or other obstructions for preventing the passage of vehicles as they consider appropriate and as may be agreed by the highway authority.

7. The tramroads and tramways (Works Nos. 1 to 10) shall be constructed on a gauge of 4 feet 8½ inches (1.435 metres).

Gauge of Works Nos. 1 to 10.

8. Subject to the provisions of this Act, the Executive in constructing the tramroads (Works Nos. 1, 3, 5, 7 and 9) and the new street (Work No. 11) may—

Power to deviate.

(a) deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards; and

(b) alter the radius of any curve described on the deposited plans and increase or diminish any inclination or gradient shown thereon.

9.—(1) The Executive may for the purposes of the light rapid transit system—

Subsidiary works for light rapid transit system.

(a) make, lay down, place, erect, repair, alter, renew, remove, maintain, operate and use rails, rail fixings, plates, sleepers, channels, conduits, tubes, stations, platforms, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent cross-overs, passing places, pillars, posts, poles, traffic signs,

c. i Greater Manchester (Light Rapid Transit System)  
Act 1988

- PART II  
—cont.
- brackets, wires, subways, manholes, shafts, engines, dynamos, substations, transformers, switchgear, cabling, signalling, monitoring and communications equipment together with subsidiary and incidental machinery, apparatus, works and appliances; and
- (b) provide and maintain carriages, sheds, waiting rooms, shelters and other buildings and conveniences.
- (2) In constructing stations and stopping places for the purposes of the light rapid transit system the Executive shall make provision, in so far as it is in the circumstances both practicable and reasonable and without prejudice to any requirement having effect under or by virtue of the Chronically Sick and Disabled Persons Act 1970, for the needs of members of the public using the system who are disabled or elderly.
- 1970 c. 44.
- Power to cross certain streets on level.
- 10.**—(1) The Executive may in the construction of the light rapid transit system carry the same with a double line across and on the level of the following streets in the city:—
- Auburn Street;  
Aytoun Street;  
Corporation Street;  
Dantzic Street;  
London Road;  
Long Millgate;  
Portland Street;  
Princess Street;  
Shepley Street;  
Shude Hill;  
York Street.
- (2) In the exercise of the powers of subsection (1) above, the Executive may alter or interfere with the level of any footway upon which the light rapid transit system is to be laid.
- Approval of Secretary of State.
- 11.** Works Nos. 1 to 10 shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Secretary of State.
- Details of rolling stock to be approved by Secretary of State.
- 12.** The Executive shall from time to time submit for the approval of the Secretary of State details of their proposals with respect to rolling stock to be used on the light rapid transit system and any such rolling stock included in the said proposals shall be constructed and maintained only in accordance with details approved by the Secretary of State.
- Tramroads to be deemed tramways.  
1870 c. 78.  
1871 c. 78.  
1984 c. 12.
- 13.** For the purposes of Parts II and III of the Tramways Act 1870, the Regulation of Railways Act 1871, Schedule 2 to the Telecommunications Act 1984 and this Part of this Act the tramroads (Works Nos. 1, 3, 5, 7 and 9) shall be deemed to be tramways.



14. In its application to the light rapid transit system the Tramways Act 1870 shall have effect subject to the following modifications:—

PART II  
—cont.

Application of  
Tramways Act  
1870.  
1870 c. 78.

- (1) section 3 of the Act (interpretation) shall have effect as if in the definition of the term "road" the words "any carriageway being" and "the carriageway of" were omitted;
- (2) section 4 of the Act (Provisional Orders authorising construction of tramways) shall enable the Executive to obtain a Provisional Order authorising the construction of tramways, to be operated in connection with the light rapid transit system inside or outside their area;
- (3) section 9 of the Act (regulation of construction of tramways in towns) and section 10 (nature of traffic and tolls to be specified in Provisional Order) shall not apply to any tramway authorised by Provisional Order under the said section 4 as having effect by virtue of this section;
- (4) any Provisional Order obtained by the Executive under the said section 4 as having effect by virtue of this section shall specify that the tramway so authorised is to form part of the light rapid transit system and to be subject to all provisions affecting the light rapid transit system when the Provisional Order is made;
- (5) section 25 of the Act (mode of formation of tramways) shall have effect as if for the words "the road" there were substituted the words "any carriageway in which it is laid";
- (6) section 31 of the Act (for protection of sewers, etc.) and section 32 (rights of authorities and companies, etc., to open roads) shall not apply to the light rapid transit system or to any tramway authorised by Provisional Order under the said section 4 as having effect by virtue of this section;
- (7) so much of section 34 of the Act as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the light rapid transit system;
- (8) section 45 (tolls, etc.) shall apply only so far as it requires lists of charges to be exhibited;
- (9) sections 46, 47, 48 and 51 shall not apply to the tramways forming part of the light rapid transit system;
- (10) in their application to the tramways forming part of the light rapid transit system sections 49, 50 and 53 (which create certain offences in respect of tramways)

PART II  
—cont.

shall have effect as if for the penalty mentioned in each of those sections there were substituted reference to a fine not exceeding level 3 on the standard scale.

Temporary works may be made where necessary.

**15.**—(1) When by reason of the execution of any work affecting the surface or soil of any street along or across which any of the tramways (Works Nos. 2, 4, 6, 8 or 10) is laid it is in the opinion of the Executive necessary or expedient temporarily to remove or discontinue the use of that work or any part thereof, the Executive may, with the consent of the highway authority, construct and maintain in the same or any adjacent street a temporary tramway or temporary tramways in lieu of the work or part of a work so removed or discontinued.

(2) When such temporary works have been constructed, the Executive shall give notice of any revised traffic arrangements and alternative routes by means of traffic signs.

Alteration of works.

**16.**—(1) Subject to the provisions of this Act, the Executive may—

(a) lay down single lines in lieu of double lines or double lines in lieu of single lines or interlacing lines in lieu of double or single lines on any of the tramroads and tramways (Works Nos. 1 to 10) either when constructing them or at any time thereafter and construct or take up and reconstruct any of those works in such position in the street or land in which it is authorised to be constructed as they think fit; and

(b) make, maintain, alter and remove such crossings, passing-places, sidings, junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the light rapid transit system or for providing access to any premises or any works of the Executive.

(2) The powers of this section shall not be exercised in relation to any street which is a highway without the consent of the highway authority.

Works to be kept on level of surface of street.

**17.** Whenever there is any alteration in the level of the carriageway of any street along or across which any of the tramways (Works Nos. 2, 4, 6, 8 or 10) is laid the Executive shall alter their rails so that the uppermost surface thereof shall be on a level with the surface of the carriageway as altered.

Distance between passing vehicles when used on light rapid transit system.

**18.** The distance between the sides of the widest carriages and engines to be used on the light rapid transit system when passing one another shall not be less than 15 inches (380 millimetres).

19. For the purpose of constructing the tramways (Works Nos. 2, 4, 6, 8 or 10) in any street, the Executive may with the consent of the highway authority increase the width of the carriageway of such street by reducing the width of the footway on each or either side of such street:

PART II  
—cont.  
Executive may reduce width of footways.

Provided that no footway shall be reduced to a less width than 6 feet (1.83 metres).

20.—(1) Where this Act authorises the stopping up of a street without providing a substitute, such stopping up shall not take place (except as to so much of the street authorised to be stopped up as is bounded on both sides by lands of the Executive) without the consent of the owners, lessees and occupiers of the houses and lands abutting on both sides thereof.

Stopping up streets without providing substitute.

(2) After any such stopping up as is referred to in subsection (1) above all rights of way over or along the street authorised to be stopped up shall be extinguished and the Executive may appropriate without making any payment therefor and use for the purposes of their undertaking the site of the street so stopped up.

(3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute by the tribunal.

(4) Subsection (1) above and so much of subsection (2) above as authorises the Executive to appropriate and use for the purposes of their undertaking the site of the street so stopped up shall not apply to the stopping up of any portion of Bridgewater Place, Major Street, Blaydon Street or St. Peter's Square (West Side) in the city in accordance with paragraph (c), (d), (e) or (g) of section 6 (Further works and powers) of this Act.

21.—(1) Where this Act authorises the making of a new street and the stopping up of an existing street, the stopping up of the existing street shall not take place until the highway authority are satisfied that the new street has been completed in accordance with their reasonable requirements (including provision of revised traffic signs) and is open for public use or, in the case of difference between the Executive and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been referred to and determined by arbitration and the new street has been completed in accordance with the decision of the arbitrator.

Stopping up streets in case of substitution.

(2) Before referring the matter to arbitration under this section, the Executive shall give to the highway authority 7 days' notice in writing of their intention to do so.

PART II  
—cont.

(3) As from the completion to the satisfaction of the highway authority of the new street, or as from the date of the completion of the new street in accordance with the decision of the arbitrator under subsection (1) above (as the case may be), all rights of way over or along the existing street authorised to be stopped up shall be extinguished and the Executive may appropriate without making any payment therefor and use for the purposes of their undertaking the site of the street stopped up as far as the same is bounded on both sides by lands of the Executive.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute by the tribunal.

Provision as  
to repair of  
streets.

22. Any street made under this Act shall, when completed, unless otherwise agreed, be maintained by, and at the expense of, the Executive for a period of 12 months from the completion thereof and, at the expiration of that period, shall be maintained by, and at the expense of, the highway authority.

Temporary  
stoppage of  
streets and  
footpaths.

23.—(1) Subject to the provisions of this Act, the Executive during and for the purpose of the execution of the light rapid transit system may temporarily stop up and divert and interfere with any street or footpath and may for any reasonable time divert the traffic from any such street or footpath and prevent all persons other than those bona fide going to or from any land, house or building abutting on the street or footpath from passing along and using the same.

(2) Reasonable access shall be provided for foot-passengers with or without animals, bona fide going to or from any such land, house or building.

(3) The powers of this section shall not be exercised with reference to any street or footpath without the consent of the highway authority having powers in relation thereto and in the case of a street or footpath which is vested in any person other than the highway authority, that person, and any such consent may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of the consent) as the highway authority or other person may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by arbitration.

(4) The Executive shall not exercise the powers of this section with reference to any street unless they have given not less than 14 days' notice in writing of their intention so to do—

- (a) the traffic commissioner in whose area the street is situated; and
- (b) the operator over that street of a local service as defined in the Transport Act 1985;

PART II  
—cont.

1985 c. 67.

except in a case of emergency when such notice as is practicable shall be given.

(5) The powers of this section shall not be exercised with respect to a street so as to obstruct or interfere with the access to or exit from any station or depot of passenger road transport operators, except with their consent.

(6) When the powers of this section are exercised, the Executive shall give notice of any revised traffic arrangements and alternative routes by means of traffic signs.

24. Before breaking up or otherwise interfering with any street in connection with the construction of the light rapid transit system, the Executive shall give 14 days' notice to the chief officer of police of their intention so to do, except in a case of emergency when such notice as is practicable shall be given.

Notice to  
police.

25. The Executive may affix brackets, cables, wires and other apparatus required for the purpose of operating the light rapid transit system to any building or structure; and for that purpose the provisions of subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing apparatus to buildings for street lighting) shall apply as if the attachments therein mentioned included any such apparatus and as if for the references to the street lighting authority there were substituted references to the Executive.

Attachment of  
brackets, etc.,  
to buildings  
for purposes  
of works.  
1961 c. 64.

26. The carriages used on the light rapid transit system may be moved by electrical power or, in an emergency or for the purpose of maintenance, by diesel power or other means.

Motive power.

27. The following provisions of this section shall apply to the use of electrical energy for the purposes of the light rapid transit system:—

Provisions as  
to use of  
electrical  
energy.

- (1) The Executive shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Executive shall take all reasonable precautions in designing, constructing, placing and maintaining their electric lines and circuits and other works of all descriptions, and also in working the light rapid transit system, so as to minimise the discharge of electrical currents into the ground and so as not injuriously to affect by fusion or electrolytic action any gas, water or hydraulic power pipes, electric lines or cables or other

PART II  
—cont.

metallic pipes, structures or substances, or to interfere with, or with the working of any wire, line or apparatus from time to time used for the purpose of transmitting electrical energy or of telegraphic, telephonic or electric signalling communication or the currents in such wire, line or apparatus:

- (3) The electrical energy shall be used only in accordance with regulations made under section 31 (Regulations as to light rapid transit system) of this Act and in such regulations provision shall be made for preventing fusion and injurious electrolytic action of or on gas, water or hydraulic power pipes, electric lines or cables or other metallic pipes, structures or substances and for minimising so far as is reasonably practicable injurious interference with, and with the working of the electric wires, lines, cables and apparatus of other persons, and the currents therein whether such lines do, or do not, use the earth as a return:
- (4) The Executive shall be deemed to take all reasonable and proper precautions against interference with, or with the working of, any wire, line, cable or apparatus if and so long as they adopt and employ, at the option of the Executive, either such insulated returns, or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with, and with the working of the electric wires, lines, cables and apparatus of other persons, and the currents therein, as may be prescribed by the said regulations; and in prescribing such means the Secretary of State shall have regard to the expense involved in relation to the protection afforded:
- (5) (a) The provisions of this section shall not operate to give any right of action in respect of injurious interference with, or with the working of, any electric wire, line, cable or apparatus to which this paragraph applies or the currents therein, unless in the design, construction, erection, maintaining and working of such wire, line, cable and apparatus all reasonable and proper precautions, including the use of an insulated return, have been taken to minimise injurious interference therewith, and with the currents therein, by or from other electric currents;  
(b) This paragraph applies to any electric wire, line, cable or apparatus installed more than three years from the date on which the whole of the light rapid transit system is open for public traffic:
- (6) If any difference arises between the Executive and any other person with respect to anything in the foregoing

provisions of this section, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State or, at his option, by an arbitrator to be appointed by him, and the costs of such determination shall be in the discretion of the Secretary of State or of the arbitrator, as the case may be:

PART II  
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- (7) In this section and in section 31 (Regulations as to light rapid transit system) of this Act reference to an insulated return includes reference to a return by means of a combined neutral and earth cable which is covered by a sheath suitable for protection against corrosion and is approved for use below ground by the Secretary of State for the purpose of any regulations relating to the supply of electricity:
- (8) Notice of the presence of any overhead electric wire which is 16 feet 6 inches or less from the road surface shall be given by means of traffic signs.

28.—(1) If any obstruction to the traffic on the light rapid transit system is caused by a vehicle waiting or loading or breaking down or a load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Executive may remove the vehicle or load and take all necessary steps for that purpose and may recover from the person responsible the expenses reasonably incurred by them in doing so.

Removal of  
obstructions.

- (2) In subsection (1) above, "person responsible" means—
  - (a) (i) in the case of a vehicle waiting, loading or breaking down, the owner of the vehicle at the time when it was put or, as the case may be, left in the place from which it was removed; and
  - (ii) in the case of a load falling from a vehicle, the owner of the vehicle at the time when it was in the place at which the load fell from the vehicle;

unless, in any such case, he shows that he was not concerned in, and did not know of, the vehicle's being put or left in or, as the case may be, being in, that place; and

- (b) (i) in the case mentioned in sub-paragraph (a) (i) above, any person by whom the vehicle was put or, as the case may be, left in the place mentioned in that sub-paragraph; and
- (ii) in the case mentioned in sub-paragraph (a) (ii) above, any person in charge of the vehicle at the time mentioned in that sub-paragraph.

PART II  
—cont.  
Executive may  
lop trees over-  
hanging  
streets.

29. The Executive may cut and lop any trees planted in or near any street along which the tramways (Works Nos. 2, 4, 6, 8 and 10) are laid which may in any way interfere with the construction or working of the tramways or cables, wires or other apparatus or with the clear and safe passage of the carriages and the passengers thereon, doing no unnecessary damage to the trees and making compensation to any persons who may sustain damage by the exercise of the powers conferred by this section.

Byelaws as to  
light rapid  
transit system.

30.—(1) The Executive may make byelaws regulating the use and working of the light rapid transit system and travel on the light rapid transit system, the maintenance of order thereon and premises provided in connection therewith and the conduct of all persons, including their officers and servants, while on the light rapid transit system or those premises.

(2) Without prejudice to the generality of the foregoing subsection, byelaws made under this section may contain provisions—

- (a) regulating the speed of carriages using the light rapid transit system;
- (b) regulating the distances to be maintained between carriages and the stopping of carriages;
- (c) prohibiting, restricting or regulating the use of the whole or any part of the light rapid transit system by vehicles (other than carriages provided by, or by arrangement with, the Executive for use on that system), or regulating the use by such vehicles of any highways along which the light rapid transit system is laid;
- (d) with respect to interference with, or obstruction of, the light rapid transit system or premises or facilities provided in connection therewith;
- (e) with respect to the use of tobacco or other substances and the prevention of nuisances;
- (f) with respect to the receipt and delivery of goods and the payment of charges with respect to the conveyance, custody or handling of goods;
- (g) for regulating the passage of bicycles and other vehicles on premises provided in connection with the light rapid transit system.

(3) Byelaws made under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Without prejudice to the taking of proceedings under subsection (3) above, if the contravention of any byelaws having



effect under this section is attended with danger or annoyance to the public, or hindrance to the Executive in the lawful conduct of the light rapid transit system, it shall be lawful for the Executive summarily to take action to obviate or remove the danger, annoyance or hindrance.

PART II  
—cont.

(5) The provisions of subsections (5) to (11) of section 67 of the Transport Act 1962 (confirmation of byelaws) shall apply to any byelaws made by the Executive under this section as if for references to the board, or to the board in question, there were substituted references to the Executive. 1962 c. 46.

(6) In any case of conflict between—

- (a) any byelaws made under this section at any time applying within railway premises (including stations and the approaches to stations) of the railways board; and
- (b) any byelaws made by the railways board under subsection (1) of the said section 67;

the byelaws of the railways board shall prevail except in so far as provision to a contrary effect is made, with the express consent of the railways board, in the byelaws of the Executive.

31.—(1) For the purpose of avoiding injury or damage, or interference with the working of any electric wire, line, cable or apparatus, arising from the conduct of the light rapid transit system the Secretary of State may make regulations with respect to any of the following matters:—

Regulations  
as to light  
rapid transit  
system.

- (a) the use of electrical energy for the purposes of the light rapid transit system;
- (b) the working, voltage, testing and design of the overhead equipment of the light rapid transit system and of its earth or insulated returns;
- (c) the external lighting and warning equipment of carriages;
- (d) the instruments, controls and brakes of carriages;
- (e) the lifeguards of carriages;
- (f) the design and overall dimensions of carriages.

(2) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects parts of the light rapid transit system in different localities.

(3) If the Executive contravene any regulation made under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the

PART II  
—cont.

standard scale, and in the case of a continuing offence to a fine not exceeding £40 for every day during which the offence continues.

(4) Regulations made under this section shall be made by statutory instrument.

(5) Before making regulations with respect to any of the matters mentioned in subsection (1) (a) or (b) above the Secretary of State shall consult the statutory undertakers.

Power to  
charge.

32. The Executive may demand, take and recover such charges for the use of the light rapid transit system and any services and facilities provided in connection therewith, and may make such use subject to such terms and conditions, as they think fit.

Power to  
make  
agreements  
with highway  
authority.

33. The Executive and the highway authority may enter into and carry into effect agreements with respect to the mode of constructing and to the maintaining, working, removing, renewing, repairing and using of the light rapid transit system along or across any street within the city and the works connected therewith and the facilitating of the traffic over and along the same.

Power to  
make  
agreements  
in regard to  
light rapid  
transit  
system.

34.—(1) The Executive and the railways board may enter into and carry into effect agreements with respect to the construction, maintenance, use and operation of the light rapid transit system or any part or parts thereof and as to any other matters incidental or subsidiary thereto or consequential thereon, including the defraying of or the making of contributions towards the cost of the matters aforesaid by the Executive or by the railways board or by the Executive and the railways board jointly.

(2) Any such agreement may provide (inter alia) for the exercise by the railways board, or the Executive and the railways board jointly, of all or any of the powers of the Executive in respect of the light rapid transit system or any part or parts thereof and for the transfer to and vesting in the railways board, or the Executive and the railways board jointly, of the light rapid transit system or any part or parts thereof together with the rights and obligations of the Executive in relation thereto.

(3) The exercise by the railways board, or by the Executive and the railways board jointly, of any of the powers of this Act shall be subject to the like provisions in relation thereto as would apply if those powers were exercised by the Executive alone, and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the

railways board, or by the Executive and the railways board jointly.

PART II  
—cont.

35.—(1) Except as provided in subsection (2) below, premises which are, or form part of, premises occupied by the Executive forming part of the light rapid transit system shall not be liable to be rated or to be included in any valuation list or in any rate but subsections (3) and (4) below shall apply for the purposes of the making and levying of a rate in respect of those premises.

Rating of  
light rapid  
transit  
system.

(2) Subsection (1) above shall not apply to—

(a) premises occupied as a dwelling, hotel or place of public refreshment;

(b) office premises situated on land of the Executive other than operational land within the meaning of the Town and Country Planning Act 1971;

1971 c. 78.

(c) premises which are so let out as to be capable of separate assessment.

(3) For the purposes of the making and levying of a rate for any rate period in respect of the premises to which subsection (1) above applies, the Executive shall be treated as occupying a hereditament of a rateable value fixed or determined by such method as shall be specified in an order made by the Secretary of State under this section.

(4) The hereditament which the Executive are to be treated as occupying in a rating area by virtue of subsection (3) above shall be taken not to be situated in any part of that area in which there are leviable, as an additional item of the rate, expenses which are not leviable in that area taken as a whole.

(5) Subsections (2) to (5) of section 19 of the Local Government Act 1974 (determination of rateable value of premises occupied by public utilities and other bodies) shall apply to an order under this section as they apply to an order under that section.

1974 c. 7.

(6) Expressions used in this section have the same meanings as in the General Rate Act 1967.

1967 c. 9.

### PART III

#### LANDS

36.—(1) Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the light rapid transit system.

Power to  
acquire lands.

PART III  
—cont.

(2) Without prejudice to the generality of subsection (1) above, the Executive may enter upon, take and use for the purpose of constructing an electricity substation the lands numbered on the deposited plans 46 and 47 in the city.

(3) Without prejudice to the generality of subsection (1) above, the Executive may enter upon, take and use for the purpose of street widening or improvement the lands numbered on the deposited plans 16, 41, 45 and 102 in the city.

(4) Without prejudice to the generality of subsection (1) above, the Executive may enter upon, take and use for the purpose of street widening and constructing a turning-circle the lands numbered on the deposited plans 50 in the city.

(5) The Executive shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 91 in the city or any part of those lands.

Correction of  
errors in  
deposited  
plans and  
book of  
reference.

37.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Executive after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, with the clerk to the metropolitan county passenger transport authority and with the town clerk and chief executive of the Council of the City of Manchester and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Executive to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

Disregard of  
recent  
improvements  
and interests.

38. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest

in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal are satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

PART III  
—cont.

39.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement or on the entry on the land in pursuance of section 11 (1) of the Compulsory Purchase Act 1965, as applied by this Act, whichever is the sooner.

Extinction of private rights of way.

1965 c. 56.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute by the tribunal.

40.—(1) The powers of the Executive for the compulsory acquisition of the lands which they are authorised to acquire by this Part of this Act shall not be exercised after 31st December 1990.

Period for compulsory purchase of lands.

(2) The powers of the Executive for the compulsory acquisition of the said lands shall for the purposes of this section be deemed to have been exercised if before 31st December 1990, notice to treat has been served in respect of those lands.

#### PART IV

##### PROTECTIVE PROVISIONS

41. For the protection of the railways board the following provisions shall unless otherwise agreed in writing between the Executive and the railways board apply and have effect:—

For protection of British Railways Board.

(1) In this section—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer to be appointed by the railways board;

“plans” includes sections, drawings, specifications, soil reports, calculations and descriptions (including descriptions of methods of construction);

PART IV  
—cont.

“railway property” means any railway of the railways board and any works connected therewith for the maintenance or operation of which the railways board are responsible and includes any land held or used by the railways board for the purposes of such railway or works;

“specified works” means so much of the light rapid transit system and any further or subsidiary works authorised by this Act (whether temporary or permanent) as may be situated upon, across, under or over or within 15 metres of, or may in any way affect railway property and includes the construction, maintenance, alteration and renewal of the light rapid transit system or those works:

- (2) The Executive shall not under the powers of this Act acquire compulsorily any railway property but they may, with the consent of the railways board, which consent shall not be unreasonably withheld, acquire such easements or other rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the specified works and the Executive shall fence off the specified works from railway property to the reasonable satisfaction of the engineer where so required by him:
- (3) Notwithstanding the provisions of section 8 (Power to deviate) of this Act or anything shown on the deposited plans and sections, the Executive—
  - (a) shall only construct Work No. 1 in, on, under or over any part of the land numbered on the deposited plans 1 in the city in such line or situation as the railways board may reasonably require and, in any event, the Executive shall not lengthen or widen the bridge over Aspin Lane;
  - (b) in constructing Works Nos. 1 and 7 or either of them in, on, under or over any railway property, shall not deviate vertically from the levels shown on the deposited sections to any greater extent than 0.25 metres upwards or downwards;
  - (c) shall so construct Work No. 5 as to provide that any part of that work as may be situated in or on the lands numbered on the deposited plans 112 and 113 in the city is not less than 35.00 metres above ordnance datum:
- (4) In the exercise of the powers of section 23 (Temporary stoppage of streets and footpaths) of this Act the Executive shall at all times ensure reasonable access to, and egress from—

(a) any station, depot or other operational premises of the railways board for vehicles and pedestrians;

PART IV  
—cont.

(b) any other railway property for the railways board and their agents, contractors and employees (with or without vehicles, plant, machinery and materials):

- (5) The Executive shall before commencing the specified works (other than works of maintenance or repair) furnish to the railways board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within 56 days after such plans have been furnished to the railways board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

- (6) If within 56 days after such plans have been furnished to the railways board, the railways board shall give notice to the Executive that the railways board desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of the railways board then, if the Executive desire such part of the specified works to be constructed, the railways board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Executive in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (7) 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 specified works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board or by the Executive, if the railways board so desire, with all reasonable dispatch and the Executive shall not commence the construction of the specified works until the engineer shall have notified the Executive that the protective works have been completed to his reasonable satisfaction:

PART IV  
—cont.

(8) (a) The Executive shall give to the railways board notice in writing of their intention to commence the construction of any of the specified works in accordance with sub-paragraph (b) below and, except in emergency (when they shall give such notice as may be reasonably practicable), also of their intention to carry out any works for the maintenance or renewal of the specified works;

(b) The period of notice required to be given by the Executive to the railways board by virtue of sub-paragraph (a) above shall be—

(i) 6 months in any case where the engineer, upon signifying his approval or disapproval of plans furnished to the railways board under paragraph (5) above, has reasonably given it as his opinion that the construction, maintenance or renewal of the specified works will require the Executive to have temporary occupation of the permanent way of the railway (including land lying within a distance of 2 metres from any outer rail of the railway) or will necessitate the imposition of speed restrictions, or the substitution, diversion or suspension of train services; and

(ii) 28 days in all other cases:

(9) The specified works shall, when commenced, be carried out—

(a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid;

(b) under the supervision (if given) and to the reasonable satisfaction of the engineer;

(c) in such manner as to cause as little damage to railway property as may be; and

(d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe user of any railway of the railways board or the traffic thereon and the use by passengers of railway property;

and, if any damage to railway property or any such interference or obstruction shall be caused or take place, the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the railways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:



(10) The Executive shall—

(a) at all times afford reasonable facilities to the engineer for access to the specified works during their construction;

(b) ensure access for the engineer at all reasonable times to all working sites, depots and premises at which materials to be employed in the construction of the specified works are being made, constructed or assembled;

(c) supply the engineer with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:

(11) The railways board shall at all times afford reasonable facilities to the Executive and their agents for access to any works carried out by the railways board under this section during their construction and shall supply the Executive with such information as they may reasonably require with regard to such works or the method of construction thereof:

(12) If any alterations or additions, either permanent or temporary to railway property shall be reasonably necessary in consequence of the construction of the specified works, such alterations and additions may be effected by the railways board after not less than 28 days' notice has been given to the Executive and the Executive shall pay to the railways board on demand the cost thereof as certified by the engineer including, in respect of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

(13) The Executive shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—

(a) in constructing any part of the specified works on behalf of the Executive as provided by paragraph (6) above or in constructing any protective works under the provisions of paragraph (7) above including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling

PART IV  
—cont.

railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, renewal, repair or failure of the specified works;

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, renewal, repair or failure of the specified works and which may in the opinion of the engineer be required to be imposed or from the substitution, suspension or diversion of services which may be 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 as a result of the specified works or the failure thereof;

(e) in respect of the approval by the engineer of plans submitted by the Executive and the supervision by him of the specified works:

(14) If at any time after the completion of the specified works, not being works vested in the railways board, the railways board shall give notice to the Executive informing them that the state of repair of the specified works appears to be such as prejudicially to affect railway property, the Executive shall, on receipt of such notice, take such steps as may be reasonably necessary to put the specified works in such state of repair as not prejudicially to affect railway property and, if and whenever the Executive fail to do so, the railways board may make and do in and upon the land of the railways board or of the Executive all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the railways board in so doing shall be repaid to them by the Executive:

(15) All temporary structures, erections, works, apparatus and appliances erected or placed by the Executive under the powers of this Act upon, over or under any railway of the railways board shall, as soon as reasonably practicable, be removed by the Executive at times to be agreed with, and to the reasonable satisfaction of, the engineer and in such a way as to cause as little damage to railway property and as little interference with, or delay or interruption to, the traffic on the railways of the railways board as may be; and if any

damage to railway property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances, the Executive shall forthwith make good such damage and pay to the railways board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:

- (16) If it shall be necessary for the protection and safety of railway property for the railways board to purchase any minerals for the support of such property or to pay compensation for any minerals to be left unworked for the support thereof and the specified works also derive support from such minerals, the Executive shall repay to the railways board a reasonable proportion of the amount paid by the railways board for or in respect of such minerals and the costs and expenses incurred by the railways board in relation to any such purchase or payment of compensation:
- (17) Before providing any illumination or illuminated traffic sign on or in connection with the specified works or in the vicinity of any railway of the railways board, the Executive shall consult with the railways board and comply with their reasonable requirements in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:
- (18) Any additional expense which the railways board may reasonably incur after giving 56 days' notice to the Executive in widening, altering, reconstructing or maintaining railway property under any powers existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the Executive to the railways board:
- (19) If the Executive construct any part of Work No. 5 in, on or over the disused railway viaduct shown on the deposited plans and the deposited sections or the bridges over Deansgate, Century Street, Trafford Street and Great Bridgewater Street, or if they appropriate any part of that viaduct or those bridges for the purpose of Work No. 5, the Executive shall effectively indemnify and hold harmless the railways board from and against all charges, claims, demands, expenses and liability which may arise under any enactment relating to that viaduct or those bridges:

PART IV  
—cont.

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

(20) The Executive shall be responsible for and make good to the railways board all 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 specified works or the failure thereof; or

(b) by reason of any act or omission of the Executive or of any persons in their employ or of their contractors or others whilst engaged upon the specified works;

and the Executive shall effectively indemnify and hold harmless the railways board from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the railways board on behalf of the Executive or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the railways board or of any person in their employ or of their contractors or agents) excuse the Executive from any liability under the provisions of this section:

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

(21) Any difference arising between the Executive 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.

For further  
protection of  
British  
Railways  
Board.

42. For the further protection of the railways board the following provisions shall, unless otherwise agreed in writing between the Executive and the railways board, apply and have effect:—

(1) In this section—

“designated apparatus” means any electric lines, circuits, wires, apparatus and other works of any description belonging to or used by the Executive

for the purpose of operating the light rapid transit system;

PART IV  
—cont.

“the engineer” means an engineer to be appointed by the railways board;

“specified equipment” means any wire, line or apparatus from time to time used by the railways board for the purpose of transmitting electrical energy or of radio, telegraphic, telephonic or electric signalling communication:

- (2) Notwithstanding the provisions of paragraph (5) of section 27 (Provisions as to use of electrical energy) of this Act, if the railways board shall give notice to the Executive—

(a) at any time prior to the opening of Works Nos. 1 to 10 for public traffic informing them that any designated apparatus is interfering with any specified equipment, the Executive shall forthwith cease to use their designated apparatus until all necessary alterations and modifications have been carried out—

(i) by the Executive, to any designated apparatus; and

(ii) by the railways board, to any specified equipment, in order to remove the source of the interference;

(b) after the opening of the said works for public traffic that such interference is taking place, the Executive and the railways board shall use their best endeavours to determine what alterations and modifications to any designated apparatus or specified equipment should be carried out in order to remove the source of the interference:

- (3) Any alterations and modifications to any designated apparatus under paragraph (2) (a) above shall be carried out and completed by the Executive with all reasonable dispatch under the supervision (if given) and to the reasonable satisfaction of the engineer and the Executive shall afford reasonable facilities to the engineer for access to the light rapid transit system during the carrying out of alterations and modifications under this section:
- (4) The railways board shall afford reasonable facilities to the Executive for access to any specified equipment during the carrying out of any alterations and modifications thereto under this section and such alterations and modifications shall be carried out and

PART IV  
—cont.

completed by the railways board with all reasonable dispatch:

- (5) The Executive shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—
- (a) in carrying out any alterations and modifications to specified equipment under paragraph (2) above; and
  - (b) in respect of any supervision given by the engineer under paragraph (3) above;
- and the Executive shall pay compensation to the railways board for any loss which they may sustain by reason of any designated apparatus interfering with any specified equipment:
- (6) Any difference arising between the Executive 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.

For protection  
of electricity,  
gas and water  
undertakers.

1870 c. 78.

**43.** For the protection of the several undertakers referred to in this section, the following provisions shall, unless otherwise agreed in writing between the Executive and the undertakers concerned, apply and have effect in lieu of the provisions of section 30 of the Tramways Act 1870 from the words “and also subject” to the end of the section:—

(1) In this section—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in the case of electricity undertakers, electric lines or works (as respectively defined in the Electricity (Supply) Acts 1882 to 1936) belonging to or maintained by such undertakers; or

(b) in the case of gas or water undertakers, any mains, pipes or other apparatus belonging to or maintained by such undertakers;

(not being apparatus in respect of which the relations between the Executive and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950), and includes any building, structure or works for the lodging therein of apparatus;

1950 c. 39.

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon land;

PART IV  
—cont.

“the undertakers” means the statutory undertakers and, in relation to any apparatus, means the undertakers to whom the apparatus belongs or by whom the apparatus is maintained:

- (2) Notwithstanding the temporary stopping up or diversion of any street or footpath under the powers of section 23 (Temporary stoppage of streets and footpaths) of this Act, the undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under any such street or footpath as may be reasonably necessary or desirable to enable them to inspect, repair, maintain, replace, renew, remove or use any apparatus which at the time of the stopping up or diversion was in that street or footpath:
- (3) Notwithstanding anything in this Act or shown on the deposited plans the Executive shall not acquire any apparatus under the powers of this Act otherwise than by agreement:
- (4) If the Executive, in the exercise of the powers of this Act, acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this section and any right of the undertakers to maintain, repair, replace, renew or inspect that apparatus in that land shall not be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:
- (5) If the Executive, for the purpose of executing any works authorised by this Act, including temporary or permanent works authorised by section 15 (Temporary works may be made where necessary) or section 16 (Alteration of works) of this Act, or new, altered or substituted works provided under section 44 (For protection of North West Water Authority) of this Act, require the removal of any apparatus, and shall give to the undertakers not less than 56 days' written notice of such requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed, or if, in consequence of the exercise of any

PART IV  
—cont.

of the powers of this Act, the undertakers shall reasonably require to remove any apparatus, the Executive shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other land of the Executive and thereafter for the inspection, maintenance, repair, replacement and renewal of such apparatus:

Provided that, if the alternative apparatus or any part thereof is to be constructed elsewhere than in other land of the Executive, the undertakers shall, on receipt of a written notice to that effect from the Executive, forthwith exercise their powers to lay alternative apparatus and shall not be required to remove any apparatus until they have been able to construct the alternative apparatus in accordance with paragraph (6) (b) below:

- (6) (a) Any alternative apparatus to be constructed in land of the Executive under this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Executive or in default of agreement settled by arbitration;
- (b) The undertakers shall, after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the acquisition by the undertakers of any such facilities and rights as are referred to in paragraph (5) above, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Executive to be removed under the provisions of this section and in default the Executive may remove the apparatus:
- (7) Notwithstanding anything in paragraph (6) above, if the Executive give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as will be situate in any land of the Executive, such work, in lieu of being executed by the undertakers, shall be executed by the Executive with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Executive to execute the actual placing, installation, bedding, packing, removal, connection or



disconnection of any apparatus or any filling around any apparatus extending (where the apparatus is laid in a trench, tunnel, heading or boring) within 300 millimetres above the apparatus:

PART IV  
—cont.

- (8) Where, in accordance with the provisions of this section, the Executive afford to the undertakers facilities and rights for the construction, inspection, maintenance, repair, replacement and renewal in land of the Executive of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Executive and the undertakers or in default of agreement determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed in or along any tramway or tramroad of the Executive, the arbitrator shall—

(i) give effect to all reasonable requirements of the Executive for ensuring the safety and efficient operation of the light rapid transit system and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the Executive or the traffic on the light rapid transit system; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions applicable to the apparatus, if any, constructed in or along the tramway or tramroad for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Executive in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator more or less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation to or by the Executive by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

PART IV  
—cont.

- (9) (a) Not less than 56 days before commencing to execute any such works as are referred to in paragraph (5) above and are near to, or will or may affect, any apparatus the removal of which has not been required by the Executive under the said paragraph (5), the Executive shall submit to the undertakers a plan, section and description of the works to be executed;
- (b) Such works shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such works:

Provided that—

- (i) if the undertakers within 42 days after the receipt by them of any such plan, section and description shall, in consequence of the works proposed by the Executive, reasonably require the removal of any apparatus and give written notice to the Executive of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Executive under the said paragraph (5);
- (ii) nothing in this sub-paragraph shall preclude the Executive from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any such works, a new plan, section and description thereof in lieu of the plan, section and description previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;
- (c) The Executive shall not be required to comply with sub-paragraph (a) above in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) above so far as reasonably practicable in the circumstances:
- (10) If in consequence of the exercise of powers of this Act the access to any apparatus is materially obstructed, the Executive shall provide alternative means of access to such apparatus.

(11) Where, in consequence of this Act, any part of any street or footpath in which any apparatus is situate ceases to be part of a street or footpath, the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any right of the Executive or of the undertakers to require removal of such apparatus under this section or the power of the Executive to execute works in accordance with paragraph (9) above:

(12) The following provisions of this paragraph shall have effect for the provision by the Executive, in the construction of the works authorised by this Act, of accommodation or other facilities for the laying of apparatus under the works:—

(a) Not less than 6 months before the Executive commence the construction of any of the works in any street or controlled land within the meaning of the Public Utilities Street Works Act 1950 they shall give notice thereof in writing to each of the undertakers; 1950 c. 39.

(b) If, within 56 days from the service on them of notice of the intended construction of any works under paragraph (a) above, the undertakers give to the Executive notice in writing that they desire such accommodation or other facilities to be provided and such information as the Executive may require to enable them to determine the extent and description of the accommodation or facilities to be provided and the means of access to apparatus laid therein, the Executive shall provide in the construction of the works such accommodation or facilities for the laying of apparatus under the works as may be agreed between them and the undertakers, or in default of agreement determined by arbitration, to be reasonably practicable;

(c) Subject to the provisions of this section, the undertakers shall be entitled to use accommodation or other facilities and the means of access thereto provided by the Executive for the laying and installing therein of the apparatus for which they were provided and for the purpose of inspecting, maintaining, repairing, replacing, removing or renewing that apparatus;

(d) Except in case of emergency when they shall give such notice as they can in the circumstances, the undertakers shall give the Executive not less

PART IV  
—cont.

than 42 days' notice of their intention to lay and install or to repair, replace, remove or renew apparatus in any such accommodation or facilities;

(e) In laying and installing apparatus in accommodation or other facilities provided by the Executive the undertakers shall conform with the reasonable requirements of the Executive as to the times at which, and the manner in which, such undertakers' works affecting the works shall be carried out and the Executive shall be entitled to superintend the carrying out of such works;

(f) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Executive any apparatus laid and installed in accommodation or facilities provided by the Executive and shall take such precautions as the Executive reasonably require to be taken for ensuring the safety of the light rapid transit system and the traffic thereon;

(g) The accommodation or facilities provided by the Executive shall be maintained by the Executive to the reasonable satisfaction of the undertakers;

(h) Except in case of emergency when they shall give such notice as they can, the Executive shall give to the undertakers not less than 42 days' notice in writing of their intention to carry out any works affecting any such accommodation or facilities and, in carrying out the same, shall take such measures as the undertakers may reasonably require for the protection of, or for preventing interference with, their apparatus laid or installed therein:

(13) The Executive shall repay the reasonable expenses incurred by the undertakers in, or in connection with—

(a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section; and

(b) the cutting off of any apparatus from any other apparatus:

1950 c. 39.

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall, so far as applicable, extend and apply to any payment to be made by the Executive under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the

words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 43 (For protection of electricity, gas and water undertakers) of the Greater Manchester (Light Rapid Transit System) Act 1988":

PART IV  
—cont.

- (14) If by reason, or in consequence, of the execution or failure of any of the works authorised by this Act or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal) or property of the undertakers, or any interruption shall be caused in the supply of electricity, gas or, as the case may be, water by the undertakers, the Executive shall repay the cost reasonably incurred by the undertakers in making good such damage, or restoring the supply, and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from, or incurred by, the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Executive with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or other agents;

(ii) the undertakers shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive:

- (15) (a) Any difference arising between the Executive and the undertakers under this section (other than a difference as to its meaning or construction) shall be referred to and settled by arbitration.
- (b) In determining any difference under this section the arbitrator may, if he thinks fit, require the Executive to execute any temporary or other works so as to avoid, so far as reasonably possible, interference with the use of any apparatus.

PART IV  
—cont.  
For protection  
of North West  
Water  
Authority.

44. For the protection of the North West Water Authority (in this section referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Executive and the authority, apply and have effect:—

(1) In this section—

“new, altered or substituted works” include any works required for the protection of any sewer of the authority;

“sewer” means a sewer, including a public sewer, within the meaning of the Public Health Act 1936 and includes Shooters Brook Culvert, Dukes Tunnel and any manholes, ventilating shafts, pumps or other accessories belonging to or forming part of a sewer;

“specified works” means any part of the works authorised by this Act which will or may be situated within 5 metres measured in any direction of any sewer vested in the authority:

- (2) Wherever in this section provision is made with respect to the approval or consent of the authority such approval shall be in writing, but shall not be unreasonably withheld:
- (3) The Executive shall not commence the construction of the specified works until they have given to the authority not less than 28 days’ notice in writing of their intention to do so with plans as described in paragraph (8) below (in this section referred to as “the said plans”) for their reasonable approval:

Provided that, if within 28 days after the submission of the said plans the authority have not approved or disapproved them, they shall be deemed to have approved the said plans as submitted:

- (4) The Executive shall comply with, and conform to, all reasonable orders, directions and regulations of the authority in the construction of the specified works and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the protection of, and for preventing injury or impediment to, any existing sewer of the authority by reason of the specified works, and shall indemnify the authority against all expenses occasioned thereby:
- (5) All new, altered or substituted works shall, whether so required by the authority, be done by the authority, or under the direction, superintendence and control of an officer of the authority duly appointed for the purpose at the cost of the Executive, and all costs, charges and

1936 c. 49.

expenses reasonably incurred by the authority by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the authority by the Executive:

PART IV  
—cont.

- (6) When any new, altered or substituted works shall be completed by, or at the cost of, the Executive under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any sewers or works now or hereafter may be:
- (7) It shall not be lawful for the Executive without the consent of the authority, in the exercise of the powers of section 11 (3) of the Compulsory Purchase Act 1965 as applied by this Act, to make any trial holes which interfere with any sewer: 1965 c. 56.
- (8) The plans to be submitted to the authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the specified works are to be constructed and shall accurately describe the position of all sewers of the authority within the limits of deviation (for which purpose the authority shall allow the Executive access to plans in their possession and to any of their sewers in order to enable the Executive to obtain reliable information) and shall comprise detailed drawings of every alteration which the Executive may propose to make in any such sewer:
- (9) The Executive shall be liable to make good, or, if the authority so decide, to repay any expense reasonably incurred by the authority in making good, damage caused by, or resulting from, the construction of the specified works to any sewers, drains or works vested in the authority:
- (10) If the Executive in the construction of the specified works or any new, altered or substituted works provided in accordance with this section, damage or, without the consent of the authority, alter or in any way interfere with any existing sewer of the authority, the Executive shall—
  - (a) pay to the authority any additional expense which may be reasonably incurred by the authority in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and

PART IV  
—cont.

(b) give to the authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facilities for the inspection, maintenance, alteration and repair thereof:

- (11) It shall be lawful for the proper officer of the authority at any reasonable time, on giving to the Executive such notice as may in the circumstances be reasonable, to enter upon and inspect the specified works or any other works constructed under the powers of this section:
- (12) The approval by the authority of any plans, or the superintendence by them of any work, under the provisions of this section shall not exonerate the Executive from any liability, or affect any claim for damages, under this section or otherwise:
- (13) Any difference arising between the Executive and the authority under this section (other than a difference as to its meaning or construction) shall be referred to and settled by arbitration.

For protection  
of hydraulic  
pipes.

1891 c. ccvii.

**45.** For the protection of Mercury Communications Limited and any other person for the time being the owner or user of, or having any interest in, any hydraulic pipe provided under section 14 (For the protection of railway companies) of the Manchester Corporation Act 1891, section 44 (For protection of North West Water Authority) of this Act shall apply as if any such pipe were a sewer and formed part of the sewerage system; and for the purposes of this section references in the said section 44 to the authority shall be construed as references to Mercury Communications Limited and any other person who has the benefit of this section.

## PART V

## MISCELLANEOUS

Carriages  
deemed to be  
public service  
vehicles.

1981 c. 14.

1968 c. 73.

**46.—**(1) On and after the appointed day, the enactments mentioned in subsection (2) below shall have effect as if the carriages used on the light rapid transit system were public service vehicles, as defined in section 1 of the Public Passenger Vehicles Act 1981, and as if they were operated by, or on behalf of, the Executive on bus services within the meaning of section 159 of the Transport Act 1968.

- (2) The enactments referred to in subsection (1) above are—  
Regulations 11 and 12 of the Public Service Vehicles  
(Conduct of Drivers, Conductors and Passengers)  
Regulations 1936;

S.R. & O.  
1936/619.



Greater Manchester (Light Rapid Transit System) c. i  
Act 1988

41

The Public Service Vehicles (Lost Property) Regulations  
1978;

PART V  
—cont.

Section 4 (Excess fares) of the Greater Manchester  
Passenger Transport Act 1980.

S.I. 1978/1684.

1980 c. xx.

(3) (a) In this section “the appointed day” means such day as may be fixed in accordance with paragraph (b) below by resolution of the Executive.

(b) The Executive shall publish in a newspaper circulating in the city, notice of the passing of any such resolution and of the day fixed thereby 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 Executive 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.

47. Where under this Act any dispute or difference is to be referred to or determined by arbitration, then unless otherwise provided, such dispute or difference shall be referred to, and determined 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.

48. In their application to development authorised by Part II (Light rapid transit system) of this Act, Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 shall have effect as if the authority to develop given by this Act in respect of Works Nos. 1 to 11 were limited to such development begun within 10 years after the passing of this Act.

Saving for  
Town and  
Country  
Planning Act  
1971.

S.I. 1977/289.

c. i Greater Manchester (Light Rapid Transit System)  
Act 1988

# Greater Manchester (Light Rapid Transit System) Act 1988

## CHAPTER i

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

1. Citation.
2. Interpretation.
3. Application of Part I of Compulsory Purchase Act 1965.
4. Application of Public Utilities Street Works Act 1950.

#### PART II

##### LIGHT RAPID TRANSIT SYSTEM

5. Power to make works.
6. Further works and powers.
7. Gauge of Works Nos. 1 to 10.
8. Power to deviate.
9. Subsidiary works for light rapid transit system.
10. Power to cross certain streets on level.
11. Approval of Secretary of State.
12. Details of rolling stock to be approved by Secretary of State.
13. Tramroads to be deemed tramways.
14. Application of Tramways Act 1870.
15. Temporary works may be made where necessary.
16. Alteration of works.

c. i Greater Manchester (Light Rapid Transit System)  
Act 1988

Section

17. Works to be kept on level of surface of street.
18. Distance between passing vehicles when used on light rapid transit system.
19. Executive may reduce width of footways.
20. Stopping up streets without providing substitute.
21. Stopping up streets in case of substitution.
22. Provision as to repair of streets.
23. Temporary stoppage of streets and footpaths.
24. Notice to police.
25. Attachment of brackets, etc., to buildings for purposes of works.
26. Motive power.
27. Provisions as to use of electrical energy.
28. Removal of obstructions.
29. Executive may lop trees overhanging streets.
30. Byelaws as to light rapid transit system.
31. Regulations as to light rapid transit system.
32. Power to charge.
33. Power to make agreements with highway authority.
34. Power to make agreements in regard to light rapid transit system.
35. Rating of light rapid transit system.

PART III

LANDS

36. Power to acquire lands.
37. Correction of errors in deposited plans and book of reference.
38. Disregard of recent improvements and interests.
39. Extinction of private rights of way.
40. Period for compulsory purchase of lands.

PART IV

PROTECTIVE PROVISIONS

41. For protection of British Railways Board.
42. For further protection of British Railways Board.
43. For protection of electricity, gas and water undertakers.
44. For protection of North West Water Authority.
45. For protection of hydraulic pipes.

PART V

MISCELLANEOUS

46. Carriages deemed to be public service vehicles.
47. Arbitration.
48. Saving for Town and Country Planning Act 1971.