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STATUTORY INSTRUMENTS

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**1999 No. 1306**

**The Wirral Tramway Order 1999**

**PART II**

**WORKS PROVISIONS**

*Supplemental*

**Attachment of equipment to buildings for purposes of tramway**

**12.**—(1) Subject to the following provisions of this article, the undertaker may affix to any building any brackets, cables, wires, insulators and other apparatus required in connection with the authorised tramway.

(2) The undertaker shall not under this article affix any apparatus to a building without the consent of the relevant owner of the building; and such consent may be given subject to reasonable conditions (including, where appropriate, the payment of rent) but shall not be unreasonably withheld.

(3) Where—

- (a) the undertaker serves on the relevant owner of a building a notice requesting the owners's consent to the affixing of specified apparatus to the building; and
- (b) the relevant owner does not within the period of 56 days beginning with the date upon which the notice is served give his consent unconditionally or gives it subject to conditions or refuses it,

the consent shall be deemed to have been withheld.

(4) Where apparatus is affixed to a building under this article—

- (a) any owner for the time being of the building may serve on the undertaker not less than 28 days notice requiring the undertaker at its own expense temporarily to remove the apparatus during any reconstruction or repair of the building if such removal is reasonably necessary for that purpose; and
- (b) the undertaker shall have the right, as against any person having an interest in the building, to maintain the apparatus.

(5) The undertaker shall pay compensation to the owners and occupiers of the building for any loss or damage sustained by them by reason of the exercise of the powers conferred by paragraphs (1) and (4)(b) above; and any dispute as to a person's entitlement to compensation, or as to the amount of the compensation, shall be determined under Part I of the Act of 1961.

(6) In this article—

“building” includes any structure and a bridge or aqueduct over the street; and

“relevant owner”—

- (a) in relation to a building occupied under a lease or tenancy having an unexpired term exceeding 5 years, means the occupier of the building; or

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**Status:** This is the original version (as it was originally made).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

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- (b) in relation to any other building, means the person for the time being receiving the rack rent of the building whether on his own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rack rent.