
STATUTORY INSTRUMENTS

2016 No. 1035

The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016

PART 2

WORKS PROVISIONS

Supplemental powers

Attachment of equipment to buildings

20.—(1) Subject to the following provisions of this article, the undertaker may affix to any building on land listed in the book of reference—

- (a) any brackets, cables, wires, insulators and other apparatus required in connection with the authorised transit system; and
- (b) any lamps, cameras, brackets, pipes, electric lamps and other apparatus required for the provision of additional or substitute street lighting or closed circuit television required in connection with the authorised transit system.

(2) The power conferred by paragraph (1) to affix to any building such apparatus as is mentioned in that paragraph includes the power to extend the apparatus over any land or other building between the frontage of the building to which the apparatus is affixed and the street.

(3) The undertaker must not, under the powers conferred by this article, affix any apparatus to any part of a building without the consent of the relevant owner of that part of the building; and such consent may be given subject to reasonable conditions but must not be unreasonably withheld.

(4) Paragraph (3) has effect without affecting any other right which the undertaker may have or obtain to affix apparatus to a building.

(5) Where —

- (a) the undertaker serves on the relevant owner of part of a building a notice requesting the relevant owner's consent to the affixing of specified apparatus to that part of the building under paragraph (3); and
- (b) the relevant owner does not within the period of 56 days beginning with the date upon which the notice is served give consent unconditionally or give it subject to conditions or refuse it,

the consent is to be deemed to have been withheld.

(6) Where, in the opinion of the undertaker, a consent required under paragraph (3) for the affixing of specified apparatus is unreasonably withheld or given subject to unreasonable conditions, it may apply to the magistrates' court who may either allow the apparatus to be affixed subject to such conditions, if any, as it thinks fit or may determine that the consent was not unreasonably withheld.

(7) Where apparatus is affixed to or extended over any part of a building under this article—

- (a) any relevant owner for the time being of that part of the building may serve on the undertaker not less than 6 months' notice requiring the undertaker at its own expense temporarily to remove the apparatus during any demolition, reconstruction or repair of the building if such removal is reasonably necessary for that purpose; and
- (b) the undertaker has the right as against any person having an interest in the building to retain and maintain the apparatus.

(8) Where, in the opinion of the undertaker, a requirement temporarily to remove any apparatus affixed to or extended over a building under this article during any demolition, reconstruction or repair of the building is not reasonably necessary for that purpose, the undertaker may refer the matter to an arbitrator under article 53 (arbitration) who may either allow the apparatus to be temporarily removed or may order that it is not to be temporarily removed.

(9) The undertaker must 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 (6)(b); and any dispute as to a person's entitlement to compensation, or as to the amount of compensation, must be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(10) In this article, "relevant owner"—

- (a) in relation to a part of a building occupied under a lease or tenancy having an unexpired term exceeding 15 years, means the occupier of that part of the building;
- (b) in relation to any part of an external wall of a building which is the subject of a lease or tenancy having an unexpired term exceeding 15 years not being a part to which sub-paragraph (a) applies, means the person who for the time being is the lessee or tenant under the lease or tenancy of that part or (if there is more than one such lease or tenancy) the lease or tenancy in possession; or
- (c) in relation to any part of a building or land not falling within sub-paragraph (a) or (b) means the person for the time being entitled to receive the rack rent of that part of the building whether on that person's own account or as trustee for any other person, or who would so receive it if that part of the building were let at a rack rent.