



# South Yorkshire Light Rail Transit Act 1993

## 1993 CHAPTER ii

An Act to make further provision with respect to the light rail transit system authorised by the South Yorkshire Light Rail Transit Acts 1988 to 1990; to authorise the construction of works and for other purposes. [18th February 1993]

Whereas—

- (1) Under the Transport Acts 1968 and 1985 it is the general duty of the South Yorkshire Passenger Transport Executive (hereinafter called “the Executive”) to secure the provision of public passenger transport services for meeting the public transport requirements of their area in accordance with general policies formulated by the South Yorkshire Passenger Transport Authority:
- (2) It is expedient that the powers of this Act should be conferred upon the Executive and that the other provisions in this Act should be enacted:
- (3) The purposes of this Act could not have been effected without the authority of Parliament when the Bill for this Act was deposited:
- (4) In relation to the promotion of the Bill for this Act the requirements of section 10 (1) (xxix) of the Transport Act 1968 have been observed:
- (5) Plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and plans of the lands authorised to be acquired or used 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 said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Sheffield City Council, which plans, sections and book of reference are respectively referred to in this Act as “the deposited plans”, “the deposited sections” and “the deposited book of reference”:

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:—

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## PART I

### PRELIMINARY

#### 1 Short and collective titles

- (1) This Act may be cited as the South Yorkshire Light Rail Transit Act 1993.
- (2) The South Yorkshire Light Rail Transit Acts 1988 to 1990 and this Act may be cited together as the South Yorkshire Light Rail Transit Acts 1988 to 1993.

#### 2 Interpretation

- (1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act have the same respective meanings, and—

“the Act of 1988” means the South Yorkshire Light Rail Transit Act 1988;

“the Act of 1989” means the South Yorkshire Light Rail Transit Act 1989;

“the authorised works” means the works authorised by this Act;

“the City” means the City of Sheffield;

“existing” means existing at the commencement of this Act;

“the LRT system” means the light rail transit system comprising the railways authorised by the South Yorkshire Light Rail Transit Acts 1988 to 1993, including the railways thereby designated as tramways, and all works and conveniences provided in connection with any such railways, as constructed, extended or altered from time to time;

“the limits of deviation” means the limits so shown on the deposited plans and, where on any existing route no such limits are shown, the boundaries of the street (including any verge or roadside waste adjoining it);

“the railways board” means the British Railways Board;

“tramway” means any railway, or any part of a railway, authorised by the South Yorkshire Light Rail Transit Acts 1988 to 1993 and thereby designated as a tramway;

and the following expressions have the same meanings as in the Act of 1988:—

“enactment”;

“the Executive”;

“land”;

“street”.

- (2) Unless the context otherwise requires, 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.
- (3) (a) In this Act, except as mentioned in paragraph (b) below, all distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance and length, and distances between points on a railway shall be taken to be measured along the railway.

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- (b) This subsection does not apply to the distance stated in section 5 (Power to deviate) of this Act.

### 3 Incorporation or application of enactments

The following provisions of the Act of 1988 (which incorporate or apply enactments for the purposes of that Act) shall, so far as they have effect at the commencement of this Act, have effect as if the references therein to that Act included this Act:—

- section 3 (Incorporation of Railways Clauses Acts);
- section 4 (Application of Tramways Act 1870);
- section 5 (Application of enactments relating to street works, etc.); and
- section 6 (Application of Part I of Compulsory Purchase Act 1965).

## PART II

### WORKS

### 4 Power to make works

- (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 following works in the City, with all necessary works and conveniences connected therewith:—

Work No. 1—A widening on its eastern side of Upper Hanover Street (as widened as provided in the Work No. 8B in the Act of 1988) and the southern side of Brook Hill at its junction with that street, between the junction of Upper Hanover Street with Glossop Road and a point on the southern side of Brook Hill 40 metres east of its junction with Upper Hanover Street;

Work No. 2—A widening on its north-eastern side of White Lane at its junction with Fox Lane, between that road junction and a point on that side of White Lane 105 metres north-west of that road junction.

- (2) Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels so shown) the Executive may, in connection with Work No. 1, make and maintain the following further works and exercise the following powers, with all necessary works and conveniences connected therewith:—

- (a) set back so much of the footway and kerbline, on the eastern side of Upper Hanover Street between its junctions with Brook Hill and Leavy Greave Road and on the southern side of Brook Hill at its junction with Upper Hanover Street, as lies between the points marked A1 and A2 on the deposited plans;
- (b) set forward so much of the footway and kerbline, on the southern side of Leavy Greave Road at its junction with Upper Hanover Street, as lies between the points marked A3, A4 and A10 on the deposited plans;
- (c) set back so much of the footway and kerbline, on the eastern side of Upper Hanover Street between its junctions with Leavy Greave Road and Glossop Road, as lies between the points marked A10 and A5 on the deposited plans; and
- (d) stop up and discontinue the crossing places across Upper Hanover Street, at its junction with Leavy Greave Road, between the points marked A6 and A7

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and the points marked A8 and A9 on the deposited plans, and provide a new footpath and cycleway between the points so marked A10 and A11.

- (3) The Executive shall cease to have the power to make and maintain the works or exercise the powers authorised by section 8 (1) of, and the following sub-paragraphs of paragraph (d) of Part II of Schedule 1 to, the Act of 1988, namely:—

sub-paragraph (vi) (stopping up and discontinuance of part of Leavy Greave Road at its junction with Upper Hanover Street on the eastern side of that street and substitution of a footpath and cycle track); and

sub-paragraph (vii) (setting back of the footway and kerbline on the eastern side of Upper Hanover Street between its junctions with Brook Hill and Glossop Road).

## 5 Power to deviate

In the execution of the authorised works or any part thereof the Executive may, except as may be otherwise provided by this Act, including any enactment incorporated with or applied by this Act, deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation, and deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

## 6 Application of works provisions of Act of 1988

- (1) The following provisions of the Act of 1988 relating to works shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply to the works authorised by this Act as they apply to the works authorised by that Act:—

subsections (2) and (3) of section 8 (Further works and powers);

section 10 (Subsidiary works);

section 12 (Temporary stoppage of highways);

section 15 (Provisions as to repair of streets, footpaths, etc.);

section 16 (Underpinning of houses near works); and

section 17 (Use of sewers, etc., for removing water).

- (2) For the purposes of this section—

- (a) in the said sections 10 and 17, for the reference to the limits of deviation within the meaning of the Act of 1988, there shall be substituted reference to the limits of deviation within the meaning of this Act; and
- (b) in the said section 12, for the references to the limits of deviation and to the deposited plans within the meaning of the Act of 1988, there shall be substituted references to the limits of deviation and to the deposited plans within the meaning of this Act.

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## PART III

### LANDS

#### 7 Power to acquire lands

Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands in the City delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the authorised works or for any purpose connected with, or ancillary to, their undertaking.

#### 8 Application of land purchase provisions of Act of 1988

- (1) The following provisions of the Act of 1988 relating to the acquisition of lands or rights thereover shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply for the purposes of this Act to the lands delineated on the deposited plans and described in the deposited book of reference as they apply for the purposes of that Act to the lands referred to in those provisions:—
- section 23 (Extinction of private rights of way);
  - section 24 (Power to acquire new rights);
  - section 25 (Acquisition of part only of certain properties);
  - section 26 (Disregard of recent improvements and interests);
  - section 27 (Compensation in respect of depreciation in value of interest in land subject to mortgage);
  - section 28 (Grant of rights by persons under disability);
  - section 30 (Correction of errors in deposited plans and book of reference); and
  - Schedule 4.
- (2) For the purposes of this section, in the said section 30 for the references to the deposited plans and the deposited book of reference within the meaning of the Act of 1988, there shall be substituted references to the deposited plans and the deposited book of reference within the meaning of this Act.

#### 9 Period of compulsory purchase of lands or rights

- (1) The powers of the Executive for the compulsory acquisition of the lands and rights which they are authorised to acquire by this Part of this Act shall not be exercised after five years from the passing of this Act.
- (2) The powers of the Executive for the compulsory acquisition of the said lands and rights shall, for the purposes of this section, be deemed to have been exercised if notice to treat has been served in respect of those lands and rights.

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## PART IV

### PROTECTIVE PROVISIONS

#### 10 Application of protective provisions of Act of 1988

The following protective provisions of the Act of 1988 shall, so far as applicable and subject to any necessary modifications, apply for the purposes of this Act as they apply for the purposes of that Act:—

- section 32 (As to highways, traffic, etc.);
- section 33 (For protection of public sewers);
- section 34 (For protection of certain statutory undertakers);
- section 36 (For protection of telecommunications operators); and
- section 38 (Crown rights).

#### 11 Notice of interference with streets

Before breaking up or otherwise interfering with any street in connection with the construction of the LRT system, the Executive shall give not less than 14 days' notice to the chief officer of police and to the fire authority of their intention to do so, except in case of emergency when such notice as is practicable shall be given.

## PART V

### MISCELLANEOUS AND GENERAL

#### 12 Closure of footway in Commercial Street

The power exercisable by the Executive, under section 8 (1) of the Act of 1988, for the closure of the part of the northern carriageway of Commercial Street in the City specified in paragraph (e) (ii) of Part II of Schedule 1 to that Act, shall include power to stop up so much of the footway on the northern side of that carriageway as lies between the points so specified.

#### 13 Park Square Viaduct

- (1) On completion of the viaducts across Park Square in the City forming part of the Works Nos. 1, 1A and 1B authorised by the Act of 1989, the Executive may, by agreement with the City Council, dedicate ways over the said viaducts or any of them, and over adjoining land in which the Executive have sufficient interest, as footpaths, subject to such limitations and conditions affecting the public rights of way so created as may be specified in the agreement and any rights reserved by the agreement.
- (2) Any such agreement may make provision for the termination, in such manner and subject to such conditions as may be specified in the agreement, of the public rights of way created by the agreement.
- (3) For such time as public rights of way subsist over any such viaducts or adjoining land by virtue of an agreement made under this section, so much of any railway as is laid thereon, forming part of the said Works Nos. 1, 1A and 1B, shall be treated as if it had been designated in the Act of 1989 as a tramway.

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## **14 Powers of disposal, agreements for operation, etc**

Section 28 (Powers of disposal, agreements for operation, etc.) of the Act of 1989 shall be amended by the insertion at the end of the section of the following:—

“(7) Notwithstanding section 9A (8) of the Transport Act of 1968 (which, inter alia, provides that members of the Executive appointed after the coming into operation of that section shall not be directors of any company which is the operator of any public passenger transport services or a member of a group which includes such an operator), a member of the Executive, whether or not appointed as such a member before the coming into force of section 9A, may be a director of any company or other body corporate with which an agreement for the operation of the LRT system is entered into under this section.”.

## **15 Power to contract for police**

- (1) The Executive may from time to time make agreements with the chief officer of police and a police authority for the employment by the Executive of any members of the police establishment of that police authority for police duty within railway premises of the Executive or elsewhere upon the LRT system or any part of the LRT system.
- (2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the Executive shall agree with the police authority.
- (3) Where agreement under this section is made with the railways board, members of the British Transport Police Force may act in accordance with the terms of the agreement as constables in, on and in the vicinity of any premises of the Executive notwithstanding the provisions of subsection (1) of section 53 (As to the appointment of constables) of the British Transport Commission Act 1949.
- (4) In this section “police authority” includes—
  - (a) a police authority within the meaning of the Police Act 1964; and
  - (b) the railways board.

## **16 Attachment of brackets, etc., to buildings**

Section 18 (Attachment of brackets, etc., to buildings for purposes of works) of the Act of 1988 shall be amended by the insertion at the end of the section of the following:—

“(2) For the purpose of the provisions of the said section 45 applied by subsection (1) above, consent to the affixing of attachments to a building under subsection (2) of that section shall be deemed to have been withheld if no such consent is received by the Executive before the expiration of the period of 56 days beginning on the date on which the Executive serve on the owner of the building, in accordance with section 285 of the Public Health Act 1936, notice of an application for such consent.”.

## **17 Stopping up streets and footpaths without providing substitute**

- (1) In section 13 (Stopping up streets and footpaths without providing substitute) of the Act of 1988, as enacted and as applied by section 9 of the Act of 1989, for subsection (1) there shall be substituted:—

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“(1) This section applies in the case of any stopping up of a street, or portion thereof, authorised by any provision of this Act, other than section 12 of this Act, without the provision of a substitute.”.

(2) Paragraph (m) of Part II of Schedule 1 to the Act of 1988 shall cease to have effect.

## **18 Arbitration**

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

## **19 Planning permission**

- (1) Subject to subsection (2) below, in its application to development authorised by this Act, the planning permission specified in subsection (3) below shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.
- (2) Subsection (1) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works authorised by this Act or the substitution of new works therefor.
- (3) The planning permission referred to in subsection (1) above is that granted for development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).