



# Greater Manchester (Light Rapid Transit System) Act 1994

## 1994 CHAPTER vi

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. [26th May 1994]

WHEREAS 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:

And whereas the further extension of the light rapid transit system which the Executive are authorised to provide would 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:

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 situation and levels of the works authorised by this Act (other than the substituted portion of the tramroad (Work No. 5) as defined in this Act and hereinafter referred to as “the substituted portion of Work No. 5”), 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 (other than the lands required for the purposes of the substituted portion of Work No. 5), were in the month of November 1990 deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the proper officer of the Oldham Borough Council 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:

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And whereas a plan and section showing the line or situation and level of the substituted portion of Work No. 5 and also a book of reference to such plan 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 for the purposes of the substituted portion of Work No. 5 were deposited in the month of July 1991 in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the proper officer of the Oldham Borough Council and such plan, section and book of reference are respectively referred to in this Act as the substituted plan, the substituted section and the substituted book of reference:

And whereas the purposes of this Act could not be effected without the authority of Parliament when the Bill for this Act was deposited:

And whereas the Greater Manchester Passenger Transport Authority have approved the promotion of the Bill for this Act pursuant to section 10(1)(xxix) of the Transport Act 1968:

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

#### 1 Citation

This Act may be cited as the Greater Manchester (Light Rapid Transit System) Act 1994.

#### 2 Interpretation

(1) In this Act, unless the context otherwise requires—

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

“the borough” means the borough of Oldham;

“the Executive” means the Greater Manchester Passenger Transport Executive;

“the railways board” means the British Railways Board or, as the case may require, any person who pursuant to the Railways Act 1993 succeeds (whether before or after the date of this Act) to any functions of the British Railways Board, or any other person who derives title to any property from the British Railways Board or such successor and holds that property for railway purposes;

“the substituted portion of Work No. 5” means the portion of the tramroad (Work No. 5) which is shown on the substituted plan and section commencing at reference point SD93194 05067 and terminating at reference point SD93329 05150;

“the tramroads” means Works Nos. 1, 2, 3 and 5, including the substituted portion of Work No. 5 but excluding the portion of that work for which that substituted portion is substituted;

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“the tramway” means Work No. 4;  
“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) 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.
- (4) References in this Act to reference points shall be construed as references to National Grid reference points.

### **3 Application of Part I of Compulsory Purchase Act 1965**

- (1) Part I of the Compulsory Purchase Act 1965 (except section 4 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.
- (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.

## **PART II**

### **FURTHER EXTENSION OF LIGHT RAPID TRANSIT SYSTEM**

#### **4 Power to make works**

- (1) Subject to the provisions of this Act, the Executive may make and maintain the works in the borough referred to in this section (together with all necessary works and conveniences connected therewith) in the lines or situations and according to the levels following (that is to say):—
  - (a) as regards the substituted portion of Work No. 5, the line or situation delineated on the substituted plan and the level shown on the substituted section; and
  - (b) as regards the remainder of the works hereafter in this section described (except the portion of Work No. 5 for which the substituted portion of that work is substituted), the lines or situations delineated on the deposited plans and the levels shown on the deposited sections.
- (2) The works referred to in subsection (1) above are as follows:—

Work No. 1 A tramroad 1,307 yards (1,196 metres) in length (double line) commencing by a junction with the Hollinwood Branch Railway of the railways board at reference point SD91300 04762 and terminating at reference point SD92047 04796;

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Work No. 2 A tramroad 272 yards (249 metres) in length (double line), partly in tunnel, commencing at the termination of Work No. 1 and terminating at reference point SD92274 04774;

Work No. 3 A tramroad 95 yards (87 metres) in length (double line) commencing at the termination of Work No. 2 and terminating at reference point SD92363 04771;

Work No. 4 A tramway 951 yards (870 metres) in length (double line) commencing at the termination of Work No. 3 and terminating at reference point SD93181 05059;

Work No. 5 A tramroad 291 yards (266 metres) in length (double line) commencing at the termination of Work No. 4 and terminating by a junction with the Middleton Junction to Rochdale Railway of the railways board at reference point SD93395 05178;

The substituted portion of Work No. 5;

Work No. 6 A pedestrian footpath and subway 55 yards (50 metres) in length commencing at reference point SD91955 04798 and terminating at reference point SD92004 04788;

Work No. 7 A pedestrian footpath and subway 33 yards (30 metres) in length commencing at reference point SD93323 05116 and terminating at reference point SD93346 05136;

Work No. 8 A widening of Cromwell Street 117 yards (107 metres) in length commencing at reference point SD92615 04733 and terminating at reference point SD92720 04764;

Work No. 9 A widening of Clegg Street 11 yards (10 metres) in length commencing at reference point SD92741 04863 and terminating at reference point SD92746 04871.

## **5 Further works and powers**

- (1) Subject to the provisions of this Act, the Executive may make and maintain the further works in the borough described in this section, with all necessary works and conveniences connected therewith, and may exercise the powers hereinafter mentioned:—
- (a) they may re-arrange the whole or any part of the footpath which lies between the points marked “J” and “K” on the deposited plans;
  - (b) they may stop up and discontinue the whole or any part of the footpath and subway which lie between the points marked “L” and “M” on the deposited plans;
  - (c) they may re-arrange the whole or any part of the junction of the streets known as Union Street West and King Street between the points marked “N” and “S” on the deposited plans;
  - (d) they may set back or re-arrange the whole or any part of the footway and kerblines at the junction of the streets known as King Street and George Street between the points marked “P” and “Q” on the deposited plans;
  - (e) they may set back or re-arrange the whole or any part of the footways and kerblines of the street known as Union Street which lie between the points marked “R” and “S”, “S” and “T”, “T” and “U”, “V” and “W”, “W” and “X”, “X” and “Y”, “AB” and “AC” and “Z” and “AA” respectively on the deposited plans;

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- (f) they may re-arrange the whole or any part of the footpaths which lie between the points marked “AH” and “AJ” on the deposited plans;
  - (g) they may set back or re-arrange the whole or any part of the kerblines of the street known as Oldham Way which lie between the points marked “AD” and “AE” and “AF” and “AG” respectively on the deposited plans.
- (2) After the stopping up of any part of a footpath or street under subsection (1) above, all rights of way over or along the part of the footpath or street so stopped up shall be extinguished.
- (3) In the exercise of the powers of subsection (1) above, 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.

## **6 Gauge of tramroads and tramway**

The tramroads and the tramway shall be constructed on a gauge of 4 feet 8½ inches (1·435 metres).

## **7 Power to deviate**

Subject to the provisions of this Act, the Executive in constructing the authorised works may deviate from the lines thereof shown on the deposited plans or, as the case may be, the substituted plan to any extent within the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections or, as the case may be, the substituted section to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient and in constructing the tramroads and the tramway they may alter the radius of any curve described on the deposited plans and increase or diminish any inclination or gradient shown thereon.

## **8 Plans to be approved by Secretary of State before works commenced**

- (1) Before constructing any of the tramroads or the tramway the Executive shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals in respect of that work concerning—
- (a) permanent way or track and stations;
  - (b) tunnels, lifts, escalators and stairways;
  - (c) signalling;
  - (d) lighting; and
  - (e) ventilation.
- (2) Any such work shall be constructed and maintained in accordance with plans, sections and particulars approved by the Secretary of State.

## **9 Approval of Secretary of State**

The tramroads and the tramway 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.

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## **10 Certain works to be deemed tramways, etc**

For the purposes of the Regulation of Railways Act 1871 and Schedule 2 to the Telecommunications Act 1984 the tramroads shall be deemed to be tramways.

## **11 Extension of powers, etc**

- (1) The provisions of Part II of the Greater Manchester (Light Rapid Transit System) Act 1988 (except section 5 (1) and (2) and sections 6, 7, 8, 11, 13, 21 and 22) and of section 43 (For protection of electricity, gas and water undertakers), section 44 (For protection of North West Water Authority) and section 46 (Carriages deemed to be public service vehicles) of that Act shall apply for the purposes of this Act.
- (2) The provisions of the said Act of 1988 so applied shall have effect as if—
  - (a) any reference to the light rapid transit system included a reference to the authorised works;
  - (b) any reference to the tramroads or the tramways included a reference to the tramroads or, as the case may be, the tramway within the meaning of this Act;
  - (c) any reference to the said Act of 1988 (except a reference to a particular section of that Act) included a reference to this Act;
  - (d) section 10 (Power to cross streets on the level) included a reference to West Street and Winterbottom Street in the borough;
  - (e) for the purposes of section 14 (Application of Tramways Act 1870), the tramroads authorised by this Act were tramways;
  - (f) the references to section 23 of the said Act of 1988 in paragraph (2) of the said section 43 and to sections 15, 16 and 44 of the said Act of 1988 in paragraph (5) of the said section 43 included references to those sections as applied by this Act;
  - (g) in paragraph (1) of the said section 43, the words “(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),” were omitted;
  - (h) the reference to the deposited plans in paragraph (3) of the said section 43 included a reference to the plans deposited in connection with the Bill for this Act;
  - (i) in paragraph (12) of the said section 43, the words “in any street or controlled land within the meaning of the Public Utilities Street Works Act 1950” were omitted;
  - (j) in paragraph (13) of the said section 43, for the proviso there were substituted the following:—

“Provided that if in the course of the works of the undertakers hereinbefore in this paragraph mentioned apparatus of a better type, of greater dimensions or of greater capacity is placed in substitution for existing apparatus of a worse type, of smaller dimensions or of smaller capacity, or apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was, and the placing of apparatus of that type, dimensions or capacity, or the placing of apparatus at that depth, as the case may be, had not been agreed or settled by arbitration under this section, then—

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- (a) if it involves cost in the execution of works of the undertakers exceeding that which would have been involved if the apparatus placed had been of the existing type, dimensions or capacity, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the undertakers in respect of their works shall be reduced by the amount of that excess; and
- (b) if it involves cost in the execution of the works authorised by this Act exceeding the amount which would have been involved in that case, the undertakers shall pay to the Executive an amount equal to that excess.

For the purposes of this proviso—

- (i) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus;
- (ii) where the provision of a joint in a cable is specified or agreed as necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been so specified or agreed; and

an amount which apart from this proviso would be payable to the undertakers in respect of their works shall, if the works include the placing of apparatus by way of renewal of apparatus placed more than seven-and-a-half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.”.

- (3) Section 9 (Agreements with railways board, etc.) of the Greater Manchester (Light Rapid Transit System) (No. 2) Act 1988 shall have effect as if the reference therein to the authorised works included a reference to the works authorised by this Act, the references therein to the light rapid transit system included references to those works and the references therein to the existing railways included a reference to so much of the Manchester South District Railway of the railways board as lies between the termination of Work No. 10B authorised by the Greater Manchester (Light Rapid Transit System) (No. 2) Act 1990 and the commencement of Work No. 11 authorised by that Act and all works and conveniences provided in connection with the said railway, as existing, altered or constructed (as the case may be) from time to time.

## PART III

### LANDS

#### 12 Power to acquire lands

Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands respectively delineated on the deposited plans and the substituted plan and described respectively in the deposited book of reference and the substituted 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.

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### **13 Power to acquire new rights**

- (1) In this section references to the purchase by the Executive of new rights are references to the purchase of rights to be created in favour of the Executive.
- (2) The Executive may, for the purposes of constructing, maintaining, protecting, renewing and using any of the authorised works, purchase compulsorily such new rights as they may require over any of the lands that may be acquired compulsorily under this Act instead of acquiring those lands.
- (3) The Compulsory Purchase Act 1965 as applied by this Act shall have effect with the modifications necessary to make it apply to the compulsory purchase of rights under subsection (2) above as it applies to the compulsory purchase of land so that, in appropriate contexts, references in that Act to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable according to the requirements of the context.
- (4) Without prejudice to the generality of subsection (3) above, in relation to the purchase of rights under subsection (2) above—
  - (a) Part I of the said Act of 1965 shall have effect with the modifications specified in the Schedule to this Act; and
  - (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

### **14 Correction of errors in deposited plans and book of reference**

- (1) If the deposited plans or the deposited book of reference or the substituted plan or the substituted 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, and with the proper officer of the Oldham Borough Council and thereupon the deposited plans and the deposited book of reference or, as the case may be, the substituted plan and the substituted 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.

### **15 Disregard of recent improvements and interests**

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



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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.

## **16 Extinction of private rights of way**

- (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.
- (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.

## **17 Period for compulsory purchase of lands**

- (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 the end of the period of 5 years commencing on the date of the passing of this Act.
- (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 when notice to treat has been served in respect of those lands.

# **PART IV**

## **PROTECTIVE PROVISIONS**

## **18 For protection of British Railways Board**

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

- (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);
  - “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;

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“specified works” means so much of the authorised works 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 specified works:

- (2) (a) The Executive shall not under the powers of this Act acquire compulsorily any railway property or any other land of the railways board 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 or any other land of the railways board delineated on the deposited plans or, as the case may be, the substituted plan as they may reasonably require for the purposes of the specified works;
- (b) The Executive shall fence off the specified works from railway property or any other land of the railways board to the reasonable satisfaction of the engineer where so required by him:
- (3) During the construction of the specified works 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;
  - (b) any other railway property for the railways board and their agents, contractors and employees (with or without vehicles, plant, machinery and materials):
- (4) 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 has not intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:
- (5) If within 56 days after such plans have been furnished to the railways board, the railways board 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:
- (6) 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 has notified the Executive that the protective works have been completed to his reasonable satisfaction:
- (7) (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

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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 (4) 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:

- (8) 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 is caused or takes 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:

- (9) 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:
- (10) 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:
- (11) If any alterations or additions, either permanent or temporary to railway property are 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

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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:

- (12) 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 (5) above or in constructing any protective works under the provisions of paragraph (6) 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 is reasonably necessary to appoint for inspecting, watching, lighting and signalling 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:
- (13) If at any time after the completion of the specified works, not being works vested in the railways board, the railways board 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 are requisite to put the specified works in such state of repair as aforesaid and the cost and expenses reasonably incurred by the railways board in so doing shall be repaid to them by the Executive:
- (14) 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 is 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:
- (15) If it is 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

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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:

- (16) 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:
- (17) 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:
- (18) 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:

- (19) Section 42 (For further protection of British Railways Board) of the Greater Manchester (Light Rapid Transit System) Act 1988 shall have effect as if the references therein to the light rapid transit system included references to Works Nos. 1 and 5 and to any parts of the railways of the railways board transferred to, and vested in, the Executive by agreement with the railways board under this Act:
- (20) 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 in the manner provided by section 47 of the Greater Manchester (Light Rapid Transit System) Act 1988.

## **19 For protection of telecommunications operators**

For the protection of telecommunications operators the following provisions shall, unless otherwise agreed in writing between the Executive and the telecommunications operators concerned, have effect:—

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- (1) In this section expressions defined in the Telecommunications Act 1984 have the same meanings as in that Act:
- (2) The temporary stopping up or diversion of any street or footpath under section 23 (Temporary stoppage of streets and footpaths) of the Greater Manchester (Light Rapid Transit System) Act 1988 as applied for the purposes of this Act shall not affect the right of a telecommunications operator under paragraph 9 of the telecommunications code to inspect, maintain, adjust, repair or alter any apparatus which, at the time of the stopping up or diversion, is in that street or footpath.

## **20 For protection of Trustees of King Street Baptist Church, Oldham**

For the protection of the Trustees the following provisions shall, unless otherwise agreed in writing between the Executive and the Trustees, have effect:—

- (1) In this section—
  - “the Act of 1951” means the Baptist and Congregational Trusts Act 1951;
  - “the Association” means the Lancashire and Cheshire Association of Baptist Churches (Incorporated), whose registered office is at Latchford Baptist Church, Loushers Lane, Warrington WA4 2RP;
  - “the present lands” means the land delineated and numbered 23 in the borough on the deposited plans and described in the deposited book of reference as the King Street Baptist Church, Oldham;
  - “the prior works” means the construction to the reasonable satisfaction of the Trustees' architects of buildings and facilities ready for use and occupation comparable and reasonably equivalent to those erected on the present lands including, for the avoidance of doubt, comparable ground level accommodation and the capability of extending the accommodation by 66% of the total accommodation;
  - “the replacement lands” means lands in a location which is reasonably equivalent to the location of the present lands having regard to their amenity, their proximity to the central area of the borough and their suitability for the purposes hereinafter specified and of a size capable of providing the buildings and facilities to be constructed thereon with public highway, vehicular and pedestrian access and other rights and appurtenances similar to those now enjoyed by the present lands for an estate in fee simple or for the term of years now held subject only to the ground rents now prevailing;
  - “the Trustees” means the Association and such individuals as are for the time being trustees of the King Street Baptist Church, Oldham:
- (2) Whereas the Trustees hold the present lands by virtue of a Memorandum of Choice and Appointment dated 19th September 1984 for the residue of two long leasehold estates existing until or beyond 15th October 2859 subject to ground rents aggregating £48.95 upon trust subject to the provisions of section 6 of the Act of 1951 for occupation, use or enjoyment for all or any of the following purposes namely:—
  - (a) the public worship of God according to the principles and usages for the time being of Protestant Dissenters of the Baptist denomination;
  - (b) the instruction of children or adults or the promotion of other religious or charitable purposes in accordance with the principles and usages aforesaid:

Now it is hereby provided that until at the cost and expense of the Executive—

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- (i) the prior works have been completed and are ready for use and occupation on the replacement lands;
  - (ii) the Trustees' architects have certified that they have approved the design and specification of the prior works and the contract for and the construction of the prior works and are satisfied that the payments due under the said contract have been made or secured and the warranties in the contract enure for the benefit of the Trustees; and
  - (iii) the prior works and the replacement lands have for the estate aforesaid been vested in the Trustees by way of Deed of Exchange of the present lands; the Executive shall not exercise in respect of the present lands the powers of this Act:  
Provided that the issue of a certificate by the Trustees' architects shall not be unreasonably withheld and the completion of the said Deed of Exchange and the payment of the Trustees' architects' and legal fees shall be taken to satisfy the obligation of the Executive to pay compensation:
- (3) Until the provisions of sub-paragraphs (i), (ii) and (iii) above have been complied with—
- (a) none of the authorised works shall be constructed within 15 metres of the present lands;
  - (b) during the construction of any of the authorised works more than 15 metres from the present lands the Executive shall at all times—
    - (i) ensure reasonable access to and egress from the present lands for vehicles and pedestrians;
    - (ii) prevent the construction of the authorised works from interfering with acts of worship by noise and (so far as is reasonably practicable) by dust or other nuisance; and
    - (iii) use their best endeavours to avoid disturbing or interfering with use being made of the present lands:
- (4) Any difference arising between the Executive and the Trustees under this section (other than a difference as to the meaning or construction of this section) 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 Royal Institution of Chartered Surveyors.

## PART V

### MISCELLANEOUS

#### **21 Power to contract for police services**

- (1) Agreements may be made—
- (a) between the Executive and the chief officer of police of any police force and the police authority; or
  - (b) between the Executive and the railways board, for making available to the Executive for the purposes of the operation of the light rapid transit system the services of members of the police force or, as the case may be, members of the British Transport Police Force on such terms as to payment or otherwise, and subject to such conditions, as the parties to them think fit.

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- (2) Where such an agreement has been made between the Executive and the railways board, members of the British Transport Police Force may act, in accordance with the terms of the agreement, as constables in, on or in the vicinity of any premises forming part of the light rapid transit system or other facilities used in connection with the light rapid transit system notwithstanding the provisions of section 53(1) of the British Transport Commission Act 1949 (which restricts them to acting in, on or in the vicinity of premises belonging to or leased to or worked by the railways board, etc.).
- (3) In this section—
- (a) “chief officer of police”, “police authority” and “police force” have the same meaning as in the Police Act 1964;
  - (b) the British Transport Police Force means the force organised under the scheme set out in the Schedule to the British Transport Police Scheme 1963 (Approval) Order 1964 made under section 69 of the Transport Act 1962; and
  - (c) the reference to “premises forming part of the light rapid transit system” is a reference to premises of the Executive used for or in connection with the operation of the light rapid transit system and includes a reference to rolling stock and other vehicles used on that system.

## **22 Saving for town and country planning**

In their application to development authorised by Part II (Further extension of light rapid transit system) of this Act, Article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 shall have effect as if the authority to develop given by this Act in respect of the authorised works were limited to such development begun within 10 years after the passing of this Act.



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## SCHEDULE

Section 13.

### ADAPTATION OF PART I OF THE COMPULSORY PURCHASE ACT 1965

- 1 In the Compulsory Purchase Act 1965 (hereafter in this Schedule referred to as “the Act”) for section 7 (measure of compensation) there shall be substituted the following:—
- “7 In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owners of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.
- 2 For section 8 (1) of the Act (protection for vendor against severance of house, garden, etc.) there shall be substituted the following:—
- “(1) No person shall be required to grant any right over part only—
- (a) of any house, building or factory; or
  - (b) of a park or garden belonging to a house;
- if he is willing to sell the whole of the house, building, factory, park or garden, unless the Lands Tribunal determines that—
- (i) in the case of a house, building or factory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or factory; or
  - (ii) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house;
- and, if the Lands Tribunal so determine, the tribunal shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that right over that part of the house, building, factory, park or garden.
- (1A) In considering the extent of any detriment to a house, building or factory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal shall have regard not only to the right which is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”.
- 3 The following provisions of the Act (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land)—
- section 9 (4) (refusal by owners to convey);
  - Schedule 1, paragraph 10 (3) (owners under incapacity);
  - Schedule 2, paragraph 2 (3) (absent and untraced owners); and
  - Schedule 4, paragraphs 2 (3) and 7 (2) (common land);
- shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

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- 4 Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.