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STATUTORY INSTRUMENTS

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**2001 No. 1347**

**The Leeds Supertram (Extension) Order 2001**

**PART II**

**WORKS PROVISIONS**

*Streets*

**Power to alter layout of streets, etc.**

8.—(1) The Executive may alter the layout of, and carry out other ancillary works in, any street in the City specified in column (1) of Schedule 3 to this Order in the manner specified in relation to that street in column (2) of that Schedule.

(2) The Executive may provide a footpath between Beckett Street and Accommodation Road in the City between points FP1, FP2 and FP3 and between points FP4, FP5 and FP6 and a footpath and cycle track adjacent to Alma Road in the City between points FC1 and FC2.

(3) Without prejudice to the specific powers conferred by paragraphs (1) and (2) above but subject to paragraph (4) below, the Executive may for the purpose of constructing, maintaining or using the authorised tramways alter the layout of any street within the limits of deviation or limits of widening; and, without prejudice to the generality of the foregoing, the Executive may within those limits—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level of any such kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for trams or by carrying out other works for that purpose;
- (d) carry out works for the provision or alteration of parking places;
- (e) carry out works to the carriageway of the street for the purpose of deterring or preventing vehicles other than trams from passing along the authorised tramway; and
- (f) make and maintain crossovers, sidings or passing places.

(4) The powers in paragraph (3) shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.

**Power to keep apparatus in streets**

9.—(1) The Executive may, for the purposes of or in connection with the construction, maintenance and use of the authorised works, place and maintain in any street within the limits of deviation or limits of widening any work, equipment or apparatus including without prejudice to the generality of the foregoing, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part III of the 1991 Act; and

- (b) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

### **Power to execute street works**

**10.** The Executive may, for the purpose of exercising the powers conferred by article 9 above and the other provisions of this Order, enter upon any street within the limits of deviation or limits of widening and may execute any works required for or incidental to the exercise of those powers including, without prejudice to the generality of the foregoing, breaking up or opening any such street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

### **Stopping up of streets and extinguishment of rights**

**11.—(1)** Subject to the provisions of this article, the Executive may, in connection with the construction of the authorised works, stop up each of the streets in the City mentioned in column (1) of Parts I and II of Schedule 4 to this Order and extinguish any right which persons may have to use vehicles in each of the streets mentioned in column (1) of Part III of that Schedule to the extent specified, by reference to the letters and numbers shown on the relevant plans, in column (2) of Parts I to III of that Schedule.

(2) Notwithstanding the provisions of paragraph (1) above, the Executive shall not extinguish rights of way on cycle in the following streets—

- Wood Lane
- Raglan Road
- Shakespeare Street.

(3) No street specified in columns (1) and (2) of Part I bSchedule 4 (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article until the new street to be substituted for it, and which is specified in relation to it either by reference to the letters and numbers shown on the deposited plans or by reference to one of the scheduled works, in either case in column (3) of that Part of that Schedule, has been practically completed to the reasonable satisfaction of the street authority and is open for use, and the street authority has so certified in writing or (in the event of dispute with the street authority) an arbitrator has so determined upon reference of the dispute to arbitration.

(4) No part of a street specified in column (1) of Part II of Schedule 4 to this Order (being a street to be stopped up for which no substitute is to be provided) shall be stopped up under this article unless all the land which abuts it falls within one or more of the following categories, namely—

- (a) land to which there is no right of access directly from the street or part to be stopped up;
- (b) land to which there is reasonably convenient access otherwise than directly from the street or part to be stopped up;
- (c) land the owners and occupiers of which have agreed to the stopping up of the street or part; and
- (d) land which is in the possession of the Executive.

(5) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up shall be extinguished; and
- (b) the Executive may, without making any payment appropriate and use for the purposes of its tramway undertaking so much of the site of the street as is bounded on both sides by land owned by the Executive.

(6) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961(1).

(7) This article is subject to paragraph 2 of Schedule 9 to this Order.

(8) In this article “cycle” has the same meaning as in the Road Traffic Act 1988(2).

### **Temporary stopping up of streets**

**12.**—(1) The Executive may, during and for the purposes of the execution of the authorised works, temporarily stop up, alter or divert any street and may for any reasonable time—

(a) divert the traffic from the street, and

(b) subject to paragraph (2) below, prevent all persons from passing along the street.

(2) The Executive shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1) above, the Executive may exercise the powers of this article in relation to the streets specified in column (1) of Schedule 5 to this Order to the extent specified, by reference to the letters and numbers shown on the deposited plans, in column (2) of that Schedule.

(4) The Executive shall not exercise the powers of this article—

(a) in relation to a street specified and to the extent specified in paragraph (3) above, without first consulting the street authority;

(b) in relation to any other street or to any other extent, without the consent of the street authority, but such consent shall not be unreasonably withheld.

### **Construction and maintenance of new, altered or diverted streets**

**13.**—(1) Any street to be constructed under this Order, other than any comprised in Works Nos. 1A, 1B, 3C, 4B, 4C, 4D, 6N, 14A and 23A, shall be completed to the reasonable satisfaction of the street authority and shall, unless otherwise agreed, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street shall when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of the Executive for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) Nothing in this article shall prejudice the operation of section 87 of the 1991 Act (prospectively maintainable highways); and the Executive shall not by reason of any duty under this article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part III of that Act.

(4) Nothing in this article shall have effect in relation to street works as respects which the provisions of Part III of the 1991 Act apply.

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(1) 1961 c. 33.

(2) 1988 c. 52.

### **Construction of bridges**

14. Any bridge to be constructed under this Order for carrying a tramway over a highway shall be constructed in accordance with plans and specifications approved by the highway authority, but such approval shall not be unreasonably withheld.

### **Construction of Work No. 7 on street**

15. Notwithstanding anything in this Order but without prejudice to the provisions of article 7 above, the Executive may, but only with the consent of the Secretary of State, construct the whole or part of Work No. 7 within the limits of deviation for that work as if it were designated by this Order as a street tramway (in which case it shall be treated for the purposes of this Order as if it were so designated).

### **Agreements with street authorities**

- 16.—(1) A street authority and the Executive may enter into agreements with respect to—
- (a) the construction of any new street (including any structure carrying the street over or under a tramroad) under the powers conferred by this Order;
  - (b) the maintenance of the structure of any bridge carrying a tramroad over a street;
  - (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; and
  - (d) the execution in the street of any of the works referred to in article 10 above.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1) above—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
  - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

### **Level crossings**

17.—(1) The Executive may construct the authorised tramroads so as to carry them on the level across the highways specified in Schedule 6 to this Order.

(2) The Executive may provide, maintain and operate at or near any new level crossing such barriers or other protective equipment as the Secretary of State may in writing approve.

(3) Without prejudice to the generality of article 8 above, the Executive may in the exercise of the powers of this article alter the level of any highway specified in Schedule 6 to this Order.

(4) The highway authority may enter into agreements with the Executive in respect to the construction and maintenance of any new level crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(5) In this article—

“barrier” includes gates;

“new level crossing” means the place at which an authorised tramroad crosses a highway on the level under the powers conferred by this article;

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984(3)), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

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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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