
STATUTORY INSTRUMENTS

2002 No. 1327

The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002

PART IV

MISCELLANEOUS AND GENERAL

Application of provisions of the 1996 Order

28. The following provisions of the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996⁽¹⁾ shall apply to the authorised transit system as they apply to the transit system authorised by that Order—

- Article 20 (Power to construct temporary transit systems)
- Article 35 (Power to operate and use transit system)
- Article 36 (Maintenance of approved works, etc.)
- Article 37 (Removal of obstructions)
- Article 38 (Traffic signs)
- Article 40 (Power to lop trees overhanging transit system)
- Article 41 (Trespass on tramroads)
- Article 42 (Power to make byelaws)
- Article 43 (Power to contract for police services)
- Article 44 (Powers of disposal, agreements for operation, etc.)
- Article 45 (Application of landlord and tenant law)
- Article 46 (Jurisdiction of Rail Passengers' Committee)
- Article 47 (Tramcars deemed public service vehicles)
- Article 51 (For protection of Environment Agency).

Statutory undertakers, etc.

29. The provisions of Schedule 5 to this Order shall have effect.

For protection of BRB (Residuary) Limited

30.—(1) For the protection of BRB (Residuary) Limited (“the Company”) the following provisions shall, unless otherwise agreed in writing between the undertaker and the Company, have effect:—

(1) S.I.1996/2714.

(2) The undertaker shall not under the powers of the Order acquire any land or other property of the Company, or any right in such land or property, without the consent of the Company.

(3) Consent under paragraph (2) shall not be unreasonably withheld but may be given subject to reasonable conditions.

(4) Without prejudice to the generality of paragraph (3) the Company may make it a condition of any such consent that the undertaker shall acquire the entirety of the Company's interest in the former railway line from Old Trafford to Chorlton, Greater Manchester.

(5) All rights and obligations of the Company, whether statutory or otherwise, relating to any land of the Company which is transferred to the undertaker under the powers or in consequence of this Order shall be transferred to the undertaker to the exclusion of the Company on the date on which the undertaker enters upon that land.

Disclosure of confidential information

31. A person who—

- (a) enters a factory, workshop or workplace in pursuance of the provisions of article 15; and
- (b) discloses to any person any information obtained by him relating to any manufacturing process or trade secret,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter the land.

Certification of plans, etc.

32. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the land plans, the works plans and the sections to the Secretary of State for certification that they are true copies of, respectively, the book of reference, plans and sections referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

33.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(2) as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
 - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- (5) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

34. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Arbitration

35. Unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) 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.