



South Yorkshire Light Rail Transit Act 1988

CHAPTER xxvii

LONDON
HER MAJESTY'S STATIONERY OFFICE



South Yorkshire Light Rail Transit Act 1988

CHAPTER xxvii

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ELIZABETH II



1988 CHAPTER xxvii

An Act to empower the South Yorkshire Passenger Transport Executive to develop and operate a system of light rail transit; to authorise the construction of works and the acquisition of land for that purpose; to confer further powers upon the Executive; and for other purposes. [27th October 1988]

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 public transport requirements of their area, namely, the South Yorkshire metropolitan county (hereinafter called “the County”), in accordance with general policies formulated by the South Yorkshire Passenger Transport Authority:

(2) Studies carried out by the Executive in cooperation with the South Yorkshire County Council and the Sheffield City Council, in accordance with recommendations in the Sheffield and Rotherham Land Use Transportation Study of 1976 and proposals in the South Yorkshire Structure Plan approved by the Secretary of State in 1981, have established the feasibility of meeting public passenger transport requirements by the

provision of a system of light rail transit to serve the City of Sheffield based on a route from Hillsborough to Mosborough:

(3) It is accordingly 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, for the development of the system of light rail transit in and in areas adjoining the City of Sheffield, and that the other powers in this Act should be conferred upon the Executive for the operation and development of the system:

(4) It is expedient that the other powers of this Act should be conferred upon the Executive and that the other provisions in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

1968 c. 73. (6) 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:

(7) 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 or 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 officers of the South Yorkshire and Derbyshire County Councils, the Sheffield City Council and the North East Derbyshire District 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:—

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the South Yorkshire Light Rail Transit Act 1988.

Interpretation. 2.—(1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned

- by the Acts wholly or partly incorporated herewith have the same respective meanings, and—
- PART I
—cont.
- “the Act of 1845” means the Railways Clauses Consolidation Act 1845; 1845 c. 20.
- “the Act of 1870” means the Tramways Act 1870; 1870 c. 78.
- “the Act of 1950” means the Public Utilities Street Works Act 1950; 1950 c. 39.
- “the Act of 1965” means the Compulsory Purchase Act 1965; 1965 c. 56.
- “the authorised works” means the works authorised by this Act;
- “the electricity board” means the East Midlands Electricity Board and the Yorkshire Electricity Board or, as the case may be, either of them;
- “electric line” has the meaning given by section 32 of the Electric Lighting Act 1882 and any reference to such a line shall be construed accordingly; 1882 c. 56.
- “enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “existing” means existing at the commencement of this Act;
- “the Executive” means the South Yorkshire Passenger Transport Executive;
- “the LRT system” means the light rail transit system comprising the railways authorised by this Act, including the railways designated as tramways, and all works and conveniences provided in connection with the railways, as constructed, extended or altered from time to time;
- “land” includes land covered by water, any interest in land and any easement or right in, to or over land;
- “the limits of deviation” mean the limits so shown on the deposited plans and, where on any existing street no such limits are shown, the boundaries of the street (including any verge or roadside waste adjoining it);
- “street” has the meaning given by section 329 of the Highways Act 1980 and in sections 12 to 15 of this Act includes a bridleway or footpath; 1980 c. 66.
- “traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984; 1984 c. 27.
- “tramway” means any railway, or any part of a railway, authorised by this Act and thereby designated as a tramway;

PART I
—cont.

“the tribunal” means the Lands Tribunal;

“water authority” means the Severn Trent Water Authority and the Yorkshire Water Authority, or either of them.

(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) 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.

(b) This subsection does not apply to distances or lengths stated in the following provisions of this Act:—

Section 11 (Power to deviate);

Section 20 (Gauge of railways and restrictions on working);

Paragraph (1) of section 33 (For protection of public sewers);

Paragraph (7) of section 34 (For protection of certain statutory undertakers).

Incorporation
of Railways
Clauses Acts.

3.—(1) The following enactments, so far as they are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of those enactments:—

1863 c. 92.

The Act of 1845 (except sections 7, 8, 9, 11 to 15, 17, 19, 20, 22, 23, 46 to 48, 94, 95 and 115 to 124 thereof); and section 4 of the Railways Clauses Act 1863.

(2) In the enactments incorporated by subsection (1) above—

(a) the expression “the Company” means the Executive;

(b) Sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by—

(i) Part II of the Act of 1950; or

(ii) section 34 (For protection of certain statutory undertakers) of this Act.

(3) The following enactments shall not apply to the railways authorised by this Act:—

The Highway (Railway Crossings) Act 1839;	PART I
In the Railway Regulation Act 1842, sections 9 and 10;	— <i>cont.</i>
In the Regulation of Railways Act 1868, section 22;	1839 c. 45.
The Regulation of Railways Act 1889;	1842 c. 55.
The Level Crossings Act 1983.	1868 c. 119.
	1889 c. 57.
	1983 c. 16.

4.—(1) Subject as provided in subsection (2) below, the following provisions of Parts II and III of the Act of 1870, so far as they are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Act, apply to any railway, or any part of a railway, authorised by this Act and thereby designated as a tramway, and for that purpose are incorporated with and form part of this Act:—

Sections 25, 26, 28 to 30, 34, 41 to 44, 49, 50, 53 to 55 and 57.

(2) (a) In the provisions of the Act of 1870 as applied by subsection (1) above, the expression “the special Act” means this Act and “the promoters” means the Executive.

(b) The provisions of the Act of 1870 as applied by subsection (1) above shall have effect subject to the following modifications:—

- (i) section 25 shall have effect as if, for the words “the road”, there were substituted the words “the part of the road in which it is laid”;
- (ii) section 26 shall have effect as if, for the words from “the following regulations” to the end of the section, there were substituted the words “the provisions of the special Act”;
- (iii) so much of section 34 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the LRT system;
- (iv) sections 49, 50 and 53 shall have effect as if, for the penalty specified in each of those sections, there were substituted a fine not exceeding level 3 on the standard scale.

(3) For the purposes of any order which may be made authorising railways or associated works to form part of the LRT system the provisions of Part I of the Act of 1870 shall apply, subject to the exception of sections 9, 10, 12 and 18 to 21, and any such order may incorporate, apply or re-enact any provision of this Act, including any provision incorporated with or applied by this Act.

(4) Except as provided in this section the provisions of the Act of 1870 shall not apply to the undertaking of the Executive.

PART I
—cont.
Application of
enactments
relating to
street works,
etc.

5.—(1) Subject to subsection (2) below, the provisions of the Act of 1950 shall apply and have effect as if, notwithstanding the exception in subsection (1) of section 1 of that Act of a power conferred for the purposes of a railway undertaking or a tramway undertaking, the powers of the Executive under this Act to carry out works in streets were powers to which the said section 1 applies.

(2) The Act of 1950 shall not extend by virtue of this section to regulate the relations between the Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the following provisions of this Act:—

Section 32 (As to highways, traffic, etc.);

Section 33 (For protection of public sewers);

Section 34 (For protection of certain statutory undertakers).

1984 c. 27.

(3) Section 14 of the Road Traffic Regulation Act 1984 (which provides for the temporary restriction or prohibition of the use of roads by vehicles in certain circumstances) shall apply to carriages used on tramways forming part of the LRT system.

Application of
Part I of
Compulsory
Purchase Act
1965.

1981 c. 67.

6.—(1) Part I of the Act of 1965 (except sections 4 and 27 and paragraph 3 (3) of Schedule 3), 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) Section 11 (1) of the Act of 1965 (which relates to notice of entry) as so applied shall have effect as if for the word “fourteen” there were substituted, in respect of the lands in, under or over which rights only are required, the word “twenty-eight” and, in the case of any other lands, the word “ninety-one”.

1845 c. 18.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

PART II

WORKS

Power to
make works.

7.—(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 works specified in Part I of Schedule 1 to this

Act in the City of Sheffield, in the South Yorkshire Metropolitan County, and in the North East Derbyshire District, in the County of Derbyshire, with all necessary works and conveniences connected therewith.

PART II
—cont.

(2) Notwithstanding anything in this Act or shown on the deposited plans or the deposited sections, but without prejudice to the provisions of section 11 (Power to deviate) of this Act, the Executive may, subject to the approval of the Secretary of State, construct the whole or any part of Work No. 8 within the limits of deviation in accordance with dimensions and descriptions other than the dimensions and descriptions shown on the deposited plans and the deposited sections or specified in Schedule 1 to this Act.

(3) The Executive shall construct good and sufficient fences on each side of any underpass or bridge forming part of Works Nos. 8, 9 and 10, and on the side of any bridge in respect of which a widening is carried out in pursuance of the bridge widenings forming parts of Works Nos. 4C and 4E.

8.—(1) 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 exercise the powers, and make and maintain the further works, described in Part II of Schedule 1 to this Act in the City of Sheffield, in the South Yorkshire Metropolitan County and in the North East Derbyshire District, in the County of Derbyshire, with all necessary works and conveniences connected therewith.

Further works
and powers.

(2) Without prejudice to the specific powers conferred by subsection (1) above, for the purposes of constructing and maintaining the railways authorised by this Act in or adjoining any street, the Executive may, with the consent of the highway authority—

- (a) increase the width of the carriageway of the street by reducing the width of any footway, verge, lay-by or roadside waste on each or either side of the street;
- (b) alter or interfere with the level of any kerb, footway, verge or roadside waste; or
- (c) at any stopping place on a tramway reduce the width of the carriageway of the street by forming a reserved area in the street or by setting forward the kerbline of the street and providing access for vehicles to adjoining premises and a footway on the side of that kerbline nearest to those premises.

(3) No footway shall, under subsection (2) above, be reduced to a less width than 6 feet (1.83 metres).

PART II
—cont.

(4) Where the width of the carriageway or, as the case may be, both carriageways of a street, or any part of a street, in which a tramway is laid is sufficient to provide not less than 3 metres of width for vehicular traffic off the tramway, allowing for the clearance from the tramway specified in section 9 (5) of this Act, the Executive may, with the consent of the highway authority, alter the level of the width of the carriageway occupied by the tramway so that it is raised not more than 6 inches (150 millimetres) above the level of the adjoining part of the carriageway.

(5) (a) Notwithstanding section 25 of the Act of 1870 as applied by this Act or section 9 (4) of this Act, in the case of any length of tramway to which this subsection applies which is situated clear of the carriageway of any street, the Executive may, with the consent of the highway authority, lay and maintain the tramway in such manner that the uppermost surface of the rails is not on a level with the surface of the ground in which it is laid.

(b) This subsection applies to the lengths of the tramway specified in columns (2) and (3) of the following table in the streets specified in column (1) of that table:—

Street	Works Nos.	Length of tramway
Middlewood Road	1	The whole length of Work No. 1.
New street (Work No. 8A)	8	The whole length of the new street.
Netherthorpe Road, Brook Hill and Upper Hanover Street	8	The length between the road junctions with Meadow Street and Glossop Road.
Park Grange Road	11	The whole length of Work No. 11.
Prince of Wales Road	13	The length between the junctions of that road with Fairleigh and with City Road.
Ridgeway Road	13 and 14	The length between the junction of that road with City Road and the termination of Work No. 14.

(6) (a) On completion of any tramway the Executive shall provide traffic signs in or near any street along or across which

the tramway is laid to give warning to other traffic of the presence of the tramway.

PART II
—cont.

(b) Subject to any directions and any other requirements given or imposed by the Secretary of State with respect to such a traffic sign, the places at which the traffic signs are displayed shall be such as may be approved by the highway authority.

9.—(1) (a) The Executive may, in the construction of the railways authorised by this Act and not thereby designated as tramways, carry the same with a double line across and on the level of the streets, bridleways and footpaths specified in Schedule 2 to this Act. Works in streets, etc.

(b) In the exercise of the powers of paragraph (a) above, the Executive may alter or interfere with the level of any footway upon which any railway or associated work is to be laid.

(2) Subject to the provisions of this Act, the Executive may—

(a) lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways, either when constructing it or at any time thereafter, and construct or take up and reconstruct any such tramway or associated work in such position in the street or land in which it is authorised to be constructed as they think fit; and

(b) make, maintain, alter and remove such crossings, passing places, sidings, junctions and other works, in addition to those specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the LRT system, for the purposes of the control of traffic or for providing access to any premises.

(3) The powers of subsection (2) above shall not be exercised in any street which is a highway without the consent of the highway authority.

(4) Except as otherwise provided in this Act, whenever there is any alteration in the level of the part of the carriageway of any street along or across which any tramway is laid, the Executive shall alter their rails so that the uppermost surface thereof shall be on a level with the surface of the carriageway as altered.

(5) The tramways shall be so laid and maintained that—

(a) except at stations or stopping places a distance of 15 inches (380 millimetres) is maintained between the sides of the widest carriages to be used on the tramways and the kerb of the nearest footway; and

PART II
—cont.

- (b) the distance between the sides of the widest carriages to be used on the tramways when passing one another thereon shall not be less than 15 inches (380 millimetres).

Subsidiary
works.

10.—(1) The Executive may, for the purposes of the LRT system and associated traffic control—

- (a) within the limits of deviation make, lay down, place, erect, repair, alter, renew, maintain, operate and use rails, rail fixings, plates, sleepers, channels, conduits, tubes, stations, platforms, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent cross-overs, passing places, pillars, posts, poles, brackets, wires, subways, manholes, shafts, engines, dynamos, substations, transformers, switchgear, cabling, signalling, monitoring and communications equipment together with subsidiary and incidental machinery, apparatus, works and appliances; and
- (b) in, on or under any street in which it may be necessary or convenient, or in other land in which the Executive have or obtain sufficient right, lay, place, erect, maintain, renew and repair electric wires, conductors, cables, brackets, posts, tubes, substations, boxes and other electrical apparatus for connecting the railway and associated works with any electricity generating station or substations or for the purposes of signalling, monitoring and communication in connection with the LRT system.

1945 c. 42. (2) The provisions of Part VI of Schedule 3 to the Water Act 1945 (breaking open streets) shall apply to apparatus referred to in subsection (1) above as they apply to water mains and pipes as if—

- (a) for any reference to undertakers or limits of supply there were substituted respectively reference to the Executive and their area; and
- (b) in section 22 of that schedule the words “which they are authorised to lay” and section 25 (4) of that schedule were omitted.

Power to
deviate.

11. 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. PART II
—cont.

12.—(1) During and for the purpose of the execution of the authorised works, the Executive may temporarily stop up and interfere with the whole or any part of any street within the limits of deviation or the limits of land to be acquired or used shown on the deposited plans, and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the said part of the street, from passing along and using the same. Temporary stoppage of highways.

(2) The Executive shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

13.—(1) Except as provided in section 12 of this Act, where this Act authorises the stopping up of a street, or portion thereof, without providing a substitute, the stopping up shall not take place without the consent of the owners, lessees and occupiers of the houses and lands abutting on both sides, except as to so much of the street, or portion thereof, as is situated upon, or bounded on both sides by, property of which the Executive are in possession or, being a footpath, is in subway within the boundaries of a street. Stopping up streets and footpaths without providing substitute.

(2) After any such stopping up as is referred to in subsection (1) above, all rights of way over or along the street, or portion thereof, authorised to be stopped up shall be extinguished and the Executive may, without making any payment therefor, but subject to the provisions of the Act of 1845 incorporated with this Act with respect to mines lying under or near the railways, appropriate and use for the purposes of their undertaking the site of the street, or portion thereof, so stopped up.

(3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute by the tribunal.

14.—(1) Except as provided in section 12 of this Act, where this Act authorises the making of a new street, either by way of diversion of, or in substitution for, an existing street and the stopping up of the existing street or portion thereof, the stopping up of the existing street shall not, in either case, take place until the highway authority are satisfied that the new street has been completed in accordance with their reasonable requirements and is open for public use or, in the case of any difference between the Executive and the highway authority as to whether the said requirements have been complied with or as Stopping up streets and footpaths in case of diversion or substitution.

PART II
—cont.

to their reasonableness, until the matter in dispute has been determined by arbitration and the new street has been completed accordingly.

(2) Before referring the matter to arbitration under this section, the Executive shall give to the highway authority 7 days' notice in writing of their intention to do so.

(3) As from the completion of the new street to the satisfaction of the highway authority or, in case of dispute, according to the decision of the arbitrator, all rights of way over or along the existing street, or portion thereof, authorised to be diverted or stopped up shall be extinguished, and the Executive may, without making any payment therefor, but subject to the provisions of the Act of 1845 incorporated with this Act with respect to mines lying under or near the railways, appropriate and use for the purposes of their undertaking the site of the street, or portion thereof, diverted or stopped up so far as the same is bounded on both sides by lands in the possession of the Executive.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute by the tribunal.

Provisions as to repair of streets, footpaths, etc.

15. Any street, or portion thereof, made, diverted or altered under this Act shall, when completed, unless otherwise agreed, be maintained by and at the expense of the Executive for a period of 12 months from the completion thereof and at the expiration of that period shall be maintained by and at the expense of the highway authority.

Underpinning of houses near works.

16. The Executive may, at their own expense, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 30 metres of any of the authorised works, and for this purpose the following provisions shall have effect:—

- (a) At least 14 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened:
- (b) Each such notice shall be served in manner prescribed by section 30 of the Act of 1965 as applied by this Act:
- (c) If any owner, lessee or occupier of any such house or building, shall, within 10 days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration:

- (d) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Executive may, from time to time after the completion of such underpinning or strengthening, and during the execution of the authorised work in connection with which such underpinning or strengthening was done, or within 5 years after the opening for traffic of the authorised works, enter upon and survey such house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:
- (e) The Executive shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section:
- (f) Nothing in this section nor any dealing with any property in pursuance of this section shall relieve the Executive from the liability to compensate under section 10 (2) of the Act of 1965 as applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than works of underpinning or strengthening authorised by this section:
- (g) Every case of compensation to be ascertained under this section shall be ascertained in accordance with the provisions of Part I of the Land Compensation Act 1961.

PART II
—cont.

1961 c. 33.

17.—(1) Subject to the provisions of this section the Executive may use for the discharge of any water pumped or found by them during the construction of the authorised works any available stream or watercourse, or any sewer, drain or conduit of the water authority or a local authority, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer, drain or conduit within the limits of deviation.

Use of sewers,
etc., for
removing
water.

- (2) (a) The Executive shall not—
 - (i) discharge any water into any sewer, drain or conduit vested in or under the control of the water authority or a local authority except with the consent of that authority and subject to such terms and conditions as they may reasonably impose; or
 - (ii) make any opening into any such sewer, drain or conduit save in accordance with plans approved by, and under the superintendence (if given) of, the

PART II
—cont.

authority in which the sewer, drain or conduit is then vested.

(b) Approval of plans submitted under this subsection shall not be unreasonably withheld.

1974 c. 40.

(3) (a) Section 31 of the Control of Pollution Act 1974 shall apply to, or to the consequence of, a discharge under the powers of this section into any relevant waters for the purposes of the said section 31 as if this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (b) (ii) of that section and as if no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2) (e).

1976 c. 70.

(b) In the exercise of their powers under this section the Executive shall not damage or interfere with the bed of any watercourse forming part of the main river of the water authority or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976 or forming part of a metropolitan watercourse within the meaning given by paragraph 1 of Schedule 5 to that Act.

(4) The Executive shall take all such steps as may reasonably be required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.

(5) Any difference arising between the Executive and the water authority or a local authority under this section shall be settled by arbitration.

Attachment of brackets, etc., to buildings for purposes of works.
1961 c. 64.

18. The Executive may affix brackets, cables, wires and other apparatus required in connection with the LRT system to any building or structure; and for that purpose the provisions of subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing apparatus to buildings for street lighting) shall apply as if—

(a) the attachments therein mentioned included any such apparatus; and

(b) for the reference to the street lighting authority there were substituted reference to the Executive.

Plans to be approved by Secretary of State before works commenced.

19.—(1) Before constructing any of the railways authorised by this Act the Executive shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals concerning—

(a) permanent way or track and under-passes;

(b) signalling;

- (c) lighting; and
- (d) rolling-stock to be used on the LRT system.

PART II
—cont.

(2) Any such works shall be constructed and maintained in accordance with such plans, sections and particulars approved by the Secretary of State, and any rolling-stock operated on the LRT system shall be such as may be approved by him.

20.—(1) The railways shall be constructed on a gauge of 4 feet 8½ inches (1,435 millimetres) and the motive power to be used on the railways shall be electric power or such other motive power as the Secretary of State may approve.

Gauge of railways and restrictions on working.

(2) No part of the railways shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Executive shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the railways.

(3) If the Executive contravene the provisions of subsection (2) above they shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Without prejudice to the generality of subsection (2) above, traction cables forming part of the overhead line equipment of any tramway shall be erected at a height agreed by the Secretary of State and, if at any place a height of less than 18 feet 6 inches (5.63 metres) above the surface of the ground is so agreed for a cable, the Executive shall, in accordance with section 8 (6) of this Act, erect such traffic signs as may be directed by the Secretary of State to give warning of the cable.

21. The following provisions shall apply to the use of electrical energy for the purposes of the LRT system:—

Provisions as to use of electrical energy.

- (1) The Executive shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Executive shall take all reasonable precautions in designing, constructing, placing and maintaining their electric lines and circuits and other works of all descriptions, and also in working the LRT system, so as to minimise the discharge of electrical currents into the ground and not—
 - (a) injuriously to affect by fusion or electrolytic action any electric lines or any gas or water pipes, or other metallic pipes, structures or substances; or
 - (b) injuriously to interfere with, or with the working of—

PART II
—cont.

1984 c. 12.

- (i) any wire, line or apparatus from time to time used for the purpose of transmitting electrical energy or of any telecommunication system within the meaning of section 4 of the Telecommunications Act 1984; or
 - (ii) the currents in any such wire, line or apparatus:
- (3) (a) The Secretary of State may make regulations with respect to the use of electrical energy for the operation of the LRT system and the working, voltage, testing and design of the overhead equipment and return circuits of the LRT system, including regulations for the purposes of—
 - (i) preventing fusion or injurious electrolytic action of or on electric lines or gas or water pipes or other metallic pipes, structures or substances; and
 - (ii) minimising, so far as is reasonably practicable, injurious interference with and with the working of, the electric wires, lines and apparatus of other persons, and the currents therein, whether such lines do or do not use the earth as a return;
- (b) If the Executive contravene any regulation made under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale, and in the case of a continuing offence to a fine not exceeding £40 for every day during which the offence continues;
- (c) Regulations made under this section shall be made by statutory instrument;
- (d) Before making regulations under this section the Secretary of State shall consult the Executive and the undertakers concerned as mentioned in section 34 (For protection of certain statutory undertakers) of this Act:
- (4) The Executive shall be deemed to take all reasonable and proper precautions against interference with, or with the working of, any wire, line or apparatus if and so long as they adopt and employ, at the option of the Executive, either such insulated returns, or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with, and with the working of, the electric wires, lines and apparatus of other persons and the currents therein, as may be prescribed by the regulations; and in prescribing such means the Secretary of State shall

have regard to the expense involved in relation to the protection afforded:

PART II
—*cont.*

- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with, or with the working of, any electric wire, line or apparatus, or the currents therein, unless in the construction, erection, maintaining and working of such wire, line and apparatus all reasonable and proper precautions, including the use of an insulated return, have been taken to minimise injurious interference therewith, and with the currents therein, by or from other electric currents:
- (6) If any difference arises between the Executive and any other person with respect to anything in the foregoing provisions of this section, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State or, at his option, by an arbitrator to be appointed by him, and the costs of such determination shall be in the discretion of the Secretary of State or, as the case may be, the arbitrator:
- (7) In this section reference to an insulated return includes reference to a return by means of a combined neutral and earth cable which is covered by an insulated sheath suitable for protection against corrosion and is approved for use below ground by the Secretary of State for the purpose of any regulations relating to the supply of electricity.

PART III

LANDS

22.—(1) Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands 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. Power to acquire lands.

(2) Without prejudice to that generality, the Executive may, subject to the provisions of this Act, enter upon, take and use, for each of the purposes specified in column (1) of Schedule 3 to this Act, all or any of the lands in the City of Sheffield referred to in relation to that purpose in columns (2) and (3) of that schedule.

PART III
—*cont.*
Extinction of
private rights
of way.

23.—(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 Act of 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 under and in accordance with Part I of the Land Compensation Act 1961.

1961 c. 33.

Power to
acquire new
rights.

24.—(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 Act of 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 Act of 1965 shall have effect with the modifications specified in Schedule 4 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.

Acquisition of
part only of
certain
properties.

25.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Act of 1965 as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of section 8 (1) of that Act.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house, together with any park or garden belonging thereto,

then, if the person on whom the notice is served, within 21 days after the day on which the notice is served on him, serves on the Executive a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the Executive agree to take the land subject to the counter-notice, be referred to the tribunal.

PART III
—cont.

(3) If the said person does not serve such a counter-notice as aforesaid within 21 days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Executive are authorised to acquire compulsorily under this Act.

(6) If the Executive agree to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

PART III
—cont.

(b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice, whether or not the whole of that land is land which the Executive are authorised to acquire compulsorily under this Act.

(7) In any case where, by virtue of a determination by the tribunal under subsection (4), (5) or (6) above, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Executive may, within 6 weeks after the tribunal make their determination, withdraw the notice to treat, and if they do so shall pay to the person on whom the notice was served compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is required under this section to sell part only of a house, building or factory, or of land consisting of a house, together with any park or garden belonging thereto, the Executive shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

Disregard of recent improvements and interests.

26. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land (including rights) 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 of any building erected, works executed or improvement or alteration made, whether on the land acquired or, as the case may be, on the land over which rights are 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.

Compensation in respect of depreciation in value of interest in land subject to mortgage.

27. Where an interest in land is subject to a mortgage—

(a) any compensation which is payable under this Act in respect of the depreciation in value of that interest shall be calculated as if the interest were not subject to the mortgage;

(b) a claim for the payment of any such compensation may be made by any mortgagee of the interest under a mortgage made before the happening of the event

giving rise to the compensation, but without prejudice to the making of a claim by any other person;

PART III
—cont.

- (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such; and
- (d) any such compensation payable in respect of the interest subject to the mortgage shall be paid to the mortgagee or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

28.—(1) Any person empowered by the Act of 1965 as applied by this Act to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the Executive any right required for the purposes of this Act over the lands:

Grant of rights
by persons
under
disability.

Provided that nothing in this section shall be construed as empowering persons to grant any right of water in which any other person has an interest, unless that other person concurs in the grant.

(2) The provisions of the Act of 1965 with respect to lands and rent charges so far as they are applicable shall extend and apply to any such grant and to any such right as aforesaid.

29.—(1) In this section “the relevant land” means any of the lands in the City of Sheffield specified in Schedule 3 to this Act, numbered 77, 78, 80, 100 and 101 on the deposited plans.

Temporary
possession of
land.

(2) Subject to the provisions of this section, the Executive may take temporary possession of and use the relevant land for the provision of working sites and access for construction purposes.

(3) Not less than 28 days before entering upon and taking temporary possession of the relevant land the Executive shall give notice to the owners and occupiers of the land.

(4) (a) The Executive shall not, without the agreement of the owners and occupiers, remain in possession of any part of the relevant land under the powers of this section after a period of 18 months from the completion of Work No. 10.

(b) Before giving up possession of the relevant land, the Executive shall remove all temporary works and restore the relevant land to the reasonable satisfaction of the owners and occupiers thereof.

(5) (a) The Executive shall not be empowered to purchase compulsorily, or be required to purchase, any part of the relevant land;

PART III
—cont.

(b) The Executive shall compensate the owners and occupiers of the relevant land for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to the relevant land; and

(c) Nothing in this section shall relieve the Executive from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965 as incorporated or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (b) above.

1961 c. 33. (6) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

Correction of errors in deposited plans and book of reference.

30.—(1) If the deposited plans or the deposited 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 or inadvertence, 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 Sheffield City Council, the Derbyshire County Council and the North East Derbyshire District Council and thereupon the deposited plans and the deposited 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 or, as the case may be, a right over 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.

Period of compulsory purchase of lands or rights.

31.—(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 31st December 1992.

(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.

PART III
—cont.

PART IV

PROTECTIVE PROVISIONS

32. For the protection of certain highway authorities the following provisions shall, unless otherwise agreed in writing between the Executive and the highway authority concerned, apply and have effect:—

As to
highways,
traffic, etc.

- (1) In this section “highway” means a street vested in or repairable or maintained by, the highway authority;
- (2) Wherever in this section provision is made with respect to the approval or consent of the highway authority that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the highway authority may require, but shall not be unreasonably withheld;
- (3) Before commencing to construct any part of the authorised works which will involve interference with a highway, or the traffic in any highway, or before temporarily stopping up any highway, the Executive shall consult the highway authority as to—
 - (a) the time when such part shall be commenced;
 - (b) the extent of the surface of the highway which it may be reasonably necessary for the Executive to occupy, or the nature of the interference which may be caused to the said traffic in the construction of such part; or
 - (c) the time during which, and the extent to which, such highway shall be stopped up; and
 - (d) the conditions under which such part shall be constructed or the highway shall be stopped up; so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public; and
 - (i) such part shall not be constructed and the surface of the highway shall not be occupied by the Executive; or
 - (ii) such highway shall not be stopped up and the said interference with traffic shall not be caused by the Executive;

PART IV
—cont.

except at such time, to such extent, and in accordance with such conditions, as may be agreed between the Executive and the highway authority or determined by arbitration:

- (4) At least 14 days before commencing to make any trial holes in any part of any highway the Executive shall serve notice in writing on the highway authority of their intention to do so describing the place or places at which the trial holes are intended to be made, and, if within 14 days after the receipt of such notice any objection is made by the highway authority, the matter shall (unless otherwise agreed) be determined by arbitration before the making of any trial hole is commenced, but if no such objection is made the Executive may proceed with the making of the trial hole:
- (5) Such of the authorised works as are intended to become public highways, or part thereof, shall be completed in accordance with the reasonable requirements of the local highway authority or, in case of difference between the Executive and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, in accordance with the determination of the Secretary of State upon any such difference:
- (6) It shall be lawful for the proper officer of the highway authority at all reasonable times, on giving to the Executive such notice as may in the circumstances be reasonable, to enter upon and inspect any part of the authorised works in any highway, or which may affect any highway or any property or work of the highway authority, during the execution thereof, and the Executive shall give to such officer all reasonable facilities for such inspection:
- (7) The Executive shall not alter, disturb or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith, or any property or work belonging to, or under the jurisdiction or control of, the highway authority or under any highway or repairable by them or the access thereto, without the consent of the highway authority:
- (8) If the highway authority, after giving to the Executive not less than 28 days' notice (or in case of emergency such other notice as is reasonably practicable) of their intention to do so, incur any extra expenses in the

signposting of traffic diversions or the taking of other measures in relation thereto, or in the repair of any highway by reason of the diversion thereto of traffic from a road of a higher classification in consequence of the construction of the authorised works, the Executive shall repay the amount of the expense reasonably so incurred by the highway authority:

PART IV
—*cont.*

- (9) The Executive shall not, except with the consent of the highway authority, deposit any soil or materials or stand any vehicle or plant on or over any highway so as to obstruct or render less safe the use of such highway by any person or, except with the like consent, deposit any soil or materials on any such highway except within a hoarding:
- (10) The Executive shall, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the Executive may occupy any part of a highway for the purpose of the construction of any part of the authorised works, temporary bridges and temporary ramps for vehicular traffic or pedestrian traffic, or both, in such position as may be necessary to prevent undue interference with the flow of traffic in any highway:
- (11) Where any part of any highway shall have been temporarily broken up or disturbed by the Executive, the Executive shall make good the subsoil foundations and surface of such part of the highway to the reasonable satisfaction of the highway authority and maintain the same to the reasonable satisfaction of the highway authority for such time as may be reasonably required for the permanent reinstatement of the highway:
- Provided that the reinstatement of such part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the highway authority as soon as reasonably practicable after the completion of the temporary reinstatement, and the costs, charges and expenses reasonably incurred by the highway authority in so doing shall be repaid by the Executive:
- (12) It shall not be lawful for the Executive to place any hoardings on any part of any highway except for such period and in such manner as may be reasonably necessary, and the provisions of sections 172 and 173 of the Highways Act 1980 shall apply to any hoarding 1980 c. 66.

PART IV
—cont.

erected on any part of any highway, and, for the purposes of the said section 172, any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section:

- (13) The Executive shall make compensation to the highway authority for any subsidence of, or damage to, any highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway, or maintainable by them, which may be caused by, or in consequence of, any act or default of the Executive, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the authorised works or at any time thereafter:
- (14) The highway authority may require that the authorised works, so far as they involve any serious interference with the movement of traffic in any highway, shall be carried on, so far as reasonably practicable, continuously by day and night, and the Executive shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (15) Except as provided in paragraph (5) above, any difference arising between the Executive and the highway authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

For protection
of public
sewers.

33. For the protection of certain sewerage authorities the following provisions shall, unless otherwise agreed in writing between the Executive and the sewerage authority concerned, apply and have effect:—

(1) In this section—

“construction” includes placing and altering;

“sewer” means a public sewer within the meaning of the Public Health Act 1936 and includes a sludge main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of a public sewer, sludge main or sewer outfall;

“sewerage authority” means the water authority and any authority which is a relevant authority for the purposes of section 15 of the Water Act 1973;

1936 c. 49.

1973 c. 37.

“new, altered or substituted works” includes any works required for the protection of any sewer of the sewerage authority;

“specified works” means any part of the authorised works which will or may be situated within 15 metres measured in any direction of any sewer vested in a sewerage authority:

PART IV
—cont.

(2) Wherever in this section provision is made with respect to the approval or consent of the sewerage authority such approval shall be in writing, but shall not be unreasonably withheld:

(3) The Executive shall not commence the construction of the specified works until they have given to the sewerage authority not less than 56 days’ notice in writing of their intention to do so with plans as described in paragraph (9) below (in this section referred to as “the said plans”) for their approval:

Provided that, approval of plans submitted under this paragraph shall not be unreasonably withheld and, if within 56 days after the submission of the said plans the sewerage authority have not approved or disapproved them, they shall be deemed to have approved the said plans as submitted:

(4) The Executive shall comply with, and conform to, all reasonable orders, directions and regulations of the sewerage authority in the construction of the specified works and shall provide new, altered or substituted works in such manner as the sewerage authority shall reasonably require for the protection of, and for preventing injury or impediment to, or for securing access to, any existing sewer of the sewerage authority by reason of the specified works, and shall indemnify the sewerage authority against all expenses occasioned thereby:

(5) The specified works and all such new, altered or substituted works—

(a) shall be constructed in accordance with such plans and sections as may be approved or deemed to be approved by the sewerage authority as aforesaid or settled by arbitration, subject however to any modification of those plans and sections from time to time agreed upon between the Executive and the sewerage authority; and

(b) shall be constructed to the reasonable satisfaction of the sewerage authority who shall be given reasonable notice of the date and time on and

PART IV
—cont.

at which any new, altered or substituted works are to be commenced:

- (6) All new, altered or substituted works shall, where so required by the sewerage authority, be constructed by the sewerage authority, or under the direction, superintendence and control of an officer of the sewerage authority duly appointed for the purpose at the cost of the Executive, and all costs, charges and expenses reasonably incurred by the sewerage authority by reason of such works, whether in the construction thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the sewerage authority by the Executive:
- (7) When any new, altered or substituted works shall be completed by, or at the cost of, the Executive under the provisions of this section, they shall thereafter be as fully and completely under the direction, jurisdiction and control of the sewerage authority as any sewers or works now or hereafter may be:
- (8) It shall not be lawful for the Executive without the consent of the sewerage authority, in the exercise of the powers of section 11 (3) of the Act of 1965 as applied by this Act, to make any trial holes which interfere with any sewer:
- (9) The plans to be submitted to the sewerage authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the specified works are to be constructed and shall accurately describe the position of all sewers of the sewerage authority within the limits of deviation (for which purpose the sewerage authority shall allow the Executive access to plans in their possession and to any of their sewers in order to enable the Executive to obtain reliable information) and shall comprise detailed drawings of every alteration which the Executive may propose to make in any such sewer:
- (10) The Executive shall be liable to make good, or, if the sewerage authority so decide, to repay any expense reasonably incurred by the sewerage authority in making good, damage caused by, or resulting from, the construction of the specified works to any sewers, drains or works vested in the sewerage authority whether or not identified at the commencement of the construction of the specified works:

- (11) If the Executive in the construction of the specified works or any new, altered or substituted works provided in accordance with this section, damage or, without the consent of the sewerage authority, alter or in any way interfere with any existing public sewer of the sewerage authority, the Executive shall—
- (a) pay to the sewerage authority any additional expense which may be reasonably incurred by the sewerage authority in the maintenance, operation, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
- (b) give to the sewerage authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer and all reasonable facilities for the inspection, maintenance, alteration and repair thereof:
- (12) It shall be lawful for the proper officer of the sewerage authority at any reasonable time, on giving to the Executive such notice as may in the circumstances be reasonable, to enter upon and inspect the specified works or any other works constructed under the powers of this section:
- (13) The approval by the sewerage authority of any plans, or the superintendence by them of any work, under the provisions of this section shall not exonerate the Executive from any liability, or affect any claim for damages, under this section or otherwise:
- (14) The following provisions of this paragraph shall have effect for the provision by the Executive, in the construction of the railways authorised by this Act, of accommodation or other facilities for the laying under those railways of any sewer not more than 18 inches in diameter and any drains or private sewers connecting with any sewer and other associated apparatus (all or any of which is hereafter in this paragraph called “apparatus”):—
- (a) Not less than six months before the Executive commence the construction of any of the railways in any street or controlled land within the meaning of the Act of 1950 they shall give notice thereof in writing to the sewerage authority;
- (b) If, within 56 days from the service on them of notice of the intended construction of any works under paragraph (a) above, the sewerage authority give to the Executive notice in writing that they desire such

PART IV
—cont.

- accommodation or other facilities to be provided, and such information as the Executive may require to enable them to determine the extent and description of the accommodation or facilities to be provided and the means of access to apparatus laid therein, the Executive shall, so far as it is reasonably practicable to do so, provide in the construction of the railway such accommodation or facilities for the laying of apparatus under the railway as may be agreed between them and the sewerage authority, or in default of agreement, determined by arbitration to be reasonably practicable;
- (c) Subject to the provisions of this section, the sewerage authority shall be entitled to use accommodation or other facilities and the means of access thereto provided by the Executive for the laying and installing therein of the apparatus for which they were provided and for the purpose of inspecting, repairing, removing or renewing that apparatus;
 - (d) Except in case of emergency, when they shall give such notice as they can in the circumstances, the sewerage authority shall give to the Executive not less than 42 days' notice of their intention to lay and install or to repair, remove or renew apparatus in any such accommodation or facilities;
 - (e) In laying and installing apparatus in accommodation or other facilities provided by the Executive the sewerage authority shall conform with the reasonable requirements of the Executive as to the times at which, and the manner in which, such works affecting the LRT system shall be carried out, and the Executive shall be entitled to superintend the carrying out of such works;
 - (f) The sewerage authority shall maintain in good repair and to the reasonable satisfaction of the Executive any apparatus laid and installed in accommodation or facilities provided by the Executive and shall take such precautions as the Executive reasonably require to be taken for ensuring the safety of the LRT system and the traffic thereon;
 - (g) The accommodation or facilities provided by the Executive shall be maintained by the Executive to the reasonable satisfaction of the sewerage authority;
 - (h) Except in case of emergency, when they shall give such notice as they can, the Executive shall give to the sewerage authority not less than 42 days' notice in writing of their intention to carry out any works affecting any such accommodation or facilities and, in

carrying out the same, shall take such measures as the sewerage authority may reasonably require for the protection of, or for preventing interference with, apparatus laid or installed therein:

PART IV
—cont.

- (15) As soon as reasonably practicable after the completion of the construction of a specified work the Executive shall deliver to the sewerage authority a plan and section showing the position and level of that work as constructed and all new, altered or substituted works of the sewerage authority provided under this section:
- (16) If by reason, or in consequence of, the construction or failure of any of the LRT system or any subsidence resulting from the LRT system any damage shall be caused to any sewer or property of the sewerage authority (other than a sewer the repair of which is not reasonably necessary in view of its intended removal), the Executive shall repay the cost reasonably incurred by the sewerage authority in making good such damage and shall—
- (a) make reasonable compensation to the sewerage authority for any loss sustained by them; and
- (b) indemnify the sewerage authority against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from, or incurred by, the sewerage authority;
- by reason or in consequence of any such damage:
- Provided that—
- (i) nothing in this paragraph shall impose any liability on the Executive with respect to any damage to the extent that such damage is attributable to the act, neglect or default of the sewerage authority, their officers, servants, contractors or agents; and
- (ii) the sewerage authority 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:
- (17) Notwithstanding the temporary stopping up or diversion of any highway under the powers of section 12 (Temporary stoppage of highways) of this Act, the sewerage authority shall be at liberty at all times to construct and do all such works and things in, upon or under any such highway as may be reasonably necessary to enable them to inspect, repair, maintain, renew, alter, protect, remove or use any sewer which

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—cont.

at the time of the stopping up or diversion was in that highway:

- (18) Where, in consequence of this Act, any part of any street, bridleway or footpath in which any sewer is situate ceases to be part of the street, bridleway or footpath, the sewerage authority may exercise the same rights of access to such sewer as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any right of the Executive or of the sewerage authority to require alteration of such sewer under this section:
- (19) The Executive shall, so far as is reasonably practicable, so exercise the powers conferred by section 16 (Underpinning of houses near works) of this Act as not to obstruct or render less convenient the access to any sewer:
- (20) Any difference arising between the Executive and the sewerage authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

For protection
of certain
statutory
undertakers.

34. For the protection of certain statutory undertakers the following provisions shall, unless otherwise agreed in writing between the Executive and the undertakers concerned, apply and have effect in lieu of the provisions of section 30 of the Act of 1870 from the words “and also subject” to the end of the section:—

(1) In this section—

1986 c. 44.

“the undertakers” means a public gas supplier within the meaning of Part I of the Gas Act 1986, the Central Electricity Generating Board, the electricity board and the water authority, or any of them, as the case may be;

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

1882 c. 56.

(a) electric lines and works (as defined in the Electric Lighting Act 1882) belonging to, or maintained by, the Central Electricity Generating Board or the electricity board; or

(b) mains, pipes or other apparatus belonging to, or maintained by, a public gas supplier; or

(c) mains, pipes or other apparatus belonging to, or maintained by, the water authority for the purposes of water supply;

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—cont.

(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 Act of 1950), and includes any building, structure or works for the lodging therein of apparatus;

“construction” includes placing and altering;

“in” in a context referring to apparatus includes under, over, across, along or upon:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Executive shall not acquire any apparatus under this Act otherwise than by agreement:
- (3) If in the exercise of the powers of this Act the Executive construct works in any lands (including lands forming part of any street) in which there is apparatus to enable the undertakers to fulfil their statutory functions, that apparatus shall not be removed under this section, nor shall any right of the undertakers to use, maintain, repair, renew or inspect that apparatus be extinguished, until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:
- (4) If the Executive, for the purpose of constructing any of the authorised works in, on or under any lands (including lands forming part of any street) acquired, held, appropriated or used under this Act, require the removal of any apparatus placed in those lands, and give to the undertakers not less than 56 days’ written notice of such requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed, or if, in consequence of the exercise of any of the powers of this Act, the undertakers shall reasonably require to remove any apparatus, the Executive shall, if it is practicable to do so, afford to the undertakers the necessary facilities and rights for the construction of any necessary adequate alternative apparatus in other lands of the Executive and thereafter for the use, maintenance, repair, renewal, removal and inspection of such apparatus:

Provided that if the alternative apparatus, or any part thereof, is to be constructed elsewhere than in

PART IV
—cont.

other lands of the Executive, the undertakers shall, on receipt of a written notice to that effect from the Executive, as soon as reasonably practicable exercise their powers to lay alternative apparatus:

- (5) (a) Any alternative apparatus to be constructed in pursuance of paragraph (4) above shall be constructed in such manner, and in such line or situation, as may be agreed between the undertakers and the Executive or, in default of agreement, determined by arbitration:
- (b) The undertakers shall, after the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or determined as aforesaid and any necessary facilities and rights for the construction thereof obtained, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Executive to be removed under the provisions of this section:
- (6) Notwithstanding anything in paragraph (5) above, if the Executive give notice in writing to the undertakers that they desire themselves to construct any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, such work, instead of being constructed by the undertakers, shall be constructed by the Executive with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:
- (7) Nothing in paragraph (5) (b) or (6) above shall authorise the Executive to carry out the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or carry out any filling around the apparatus (where the apparatus is laid in a trench, tunnel, heading or boring) within 600 millimetres (measured in any direction) of the apparatus:
- (8) Where, in accordance with the provisions of this section, the Executive afford to the undertakers facilities and rights for the construction, use, maintenance, repair, renewal, removal and inspection in lands of the Executive of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Executive and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

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—cont.

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or along the authorised works the arbitrator shall—

(i) give effect to all reasonable requirements of the Executive for ensuring the safety and efficient operation of the authorised works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such works; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the case, give effect to any terms and conditions applicable to the apparatus (if any) constructed across or along the authorised works for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Executive in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Executive by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case:

- (9) (a) Not less than 56 days before commencing to construct any of the authorised works which are near to, or will or may affect, any apparatus the removal of which has not been required by the Executive under paragraph (4) above, the Executive shall submit to the undertakers a plan, section and description of the works to be constructed;
- (b) Such works shall be constructed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the construction of such works:

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—cont.

Provided that—

(i) if the undertakers within 42 days after the submission to them of any such plan, section and description shall, in consequence of the works proposed by the Executive, reasonably require the removal of any apparatus and give written notice to the Executive of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Executive under paragraph (4) above; and

(ii) Nothing in this sub-paragraph shall preclude the Executive from submitting at any time, or from time to time, but in no case less than 56 days before commencing the construction of any such works, a new plan, section and description thereof in lieu of the plan, section and description previously submitted, and thereupon the provisions of this paragraph shall apply to, and in respect of, such new plan, section and description;

- (c) The Executive shall not be required to comply with sub-paragraph (a) above in a case of emergency but, in such a case, they shall give to the undertakers notice so soon as reasonably practicable and a plan, section and description of the works so soon as reasonably practicable thereafter, and shall comply with sub-paragraph (b) above so far as reasonably practicable in the circumstances:
- (10) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the Executive shall provide adequate alternative means of access to such apparatus:
- (11) Where, in consequence of this Act, any part of any street, bridleway or footpath in which any apparatus is situate ceases to be part of the street, bridleway or footpath, the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any right of the Executive or of the undertakers to require removal of such apparatus under this section or the power of the Executive to construct works in accordance with paragraph (9) above:
- (12) The following provisions of this paragraph shall have effect for the provision by the Executive, in the construction of the railways authorised by this Act, of

accommodation or other facilities for the laying of apparatus under the railways:—

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—cont.

(a) Not less than 6 months before the Executive commence the construction of any of the railways in any street or controlled land within the meaning of the Act of 1950 they shall give notice thereof in writing to each of the undertakers:

(b) If, within 56 days from the service on them of notice of the intended construction of any works under paragraph (a) above, the undertakers give to the Executive notice in writing that they desire such accommodation or other facilities to be provided, and such information as the Executive may require to enable them to determine the extent and description of the accommodation or facilities to be provided and the means of access to apparatus laid therein, the Executive shall, so far as it is reasonably practicable to do so, provide in the construction of the railway such accommodation or facilities for the laying of apparatus under the railway as may be agreed between them and the undertakers, or in default of agreement, determined by arbitration to be reasonably practicable:

(c) Subject to the provisions of this section, the undertakers shall be entitled to use accommodation or other facilities and the means of access thereto provided by the Executive for the laying and installing therein of the apparatus for which they were provided and for the purpose of inspecting, repairing, removing or renewing that apparatus:

(d) Except in case of emergency when they shall give such notice as they can in the circumstances, the undertakers shall give to the Executive not less than 42 days' notice of their intention to lay and install or to repair, remove or renew apparatus in any such accommodation or facilities:

(e) In laying and installing apparatus in accommodation or other facilities provided by the Executive the undertakers shall conform with the reasonable requirements of the Executive as to the times at which, and the manner in which, such undertakers' works affecting the LRT system shall be carried out, and the Executive shall be entitled to superintend the carrying out of such works:

(f) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Executive any apparatus laid and installed in accommodation or facilities provided by the Executive and shall take

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such precautions as the Executive reasonably require to be taken for ensuring the safety of the LRT system and the traffic thereon:

(g) The accommodation or facilities provided by the Executive shall be maintained by the Executive to the reasonable satisfaction of the undertakers:

(h) Except in case of emergency when they shall give such notice as they can, the Executive shall give to the undertakers not less than 42 days' notice in writing of their intention to carry out any works affecting any such accommodation or facilities and, in carrying out the same, shall take such measures as the undertakers may reasonably require for the protection of, or for preventing interference with, their apparatus laid or installed therein.

- (13) The Executive shall repay the reasonable expenses incurred by the undertakers in, or in connection with—

(a) the removal and re-laying or replacing, inspection, renewal, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section; and

(b) the cutting off of any apparatus from any other apparatus:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 shall, so far as applicable, extend and apply to any payment to be made by the Executive under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 33 (For protection of certain statutory undertakers) of the South Yorkshire Light Rail Transit Act 1988":

- (14) If by reason, or in consequence of, the construction or failure of any of the LRT system or any subsidence resulting from the LRT system any damage shall be caused to any apparatus or property of the undertakers (other than apparatus the repair of which is not reasonably necessary in view of its intended removal), or any interruption shall be caused in the

supply of electricity, gas or, as the case may be, water by the undertakers, the Executive shall repay the cost reasonably incurred by the undertakers in making good such damage, or restoring the supply, and shall—

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—cont.

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from, or incurred by, the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Executive with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or agents;

(ii) the undertakers 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:

- (15) Notwithstanding the temporary stopping up or diversion of any highway under the powers of section 12 (Temporary stoppage of highways) of this Act, the undertakers shall be at liberty at all times to construct and do all such works and things in, upon or under any such highway as may be reasonably necessary to enable them to inspect, repair, maintain, renew, alter, protect, remove or use any apparatus which at the time of the stopping up or diversion was in that highway:
- (16) The Executive shall, so far as is reasonably practicable, so exercise the powers conferred by section 16 (Underpinning of houses near works) of this Act as not to obstruct or render less convenient the access to any apparatus:
- (17) (a) Any difference arising between the Executive and the undertakers under this section (other than a difference as to its meaning or construction) shall be determined by arbitration;
- (b) In determining any difference under this section the arbitrator may, if he thinks fit, require the Executive to construct any temporary or other works so as to

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avoid, so far as may be reasonably possible, interference with the use of any apparatus.

For further
protection of
Yorkshire
Water
Authority.

35. For the protection of the Yorkshire Water Authority the following provisions shall, unless otherwise agreed in writing between the Executive and the water authority, apply and have effect:—

- (1) In the construction of the widening of Malin Bridge and the widening of Hillsborough Bridge, forming parts of Works Nos. 4C and 4E respectively, the Executive shall carry out the works in accordance with plans approved by, and under the superintendence (if given) of, the water authority.
- (2) Approval of plans submitted under paragraph (1) above shall not be unreasonably withheld.
- (3) Any difference arising between the Executive and the water authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

For protection
of telecom-
munications
operators.

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

1984 c. 12.

- (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 highway under section 12 (Temporary stoppage of highways) of this Act shall not affect any 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, was in that highway.

For protection
of British
Railways
Board.

37. For the protection of the British Railways Board (hereinafter called “the railways board”) the following provisions shall, unless otherwise agreed in writing between the Executive and the railways board, apply and have effect:—

- (1) In this section—
“construction” includes placing, alteration and renewal;
“the engineer” means an engineer to be appointed by the railways board;

“plans” includes sections, drawings, specifications, particulars and descriptions (including descriptions of methods of construction);

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“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 lands held or used by the railways board for the purposes of such railway or works;

“the specified works” means so much of the authorised works as may be situated upon, across, under, over or within 15 metres of, or may in any way affect railway property:

- (2) The Executive shall not under the powers of this Act acquire compulsorily any railway property but they may acquire such easements or other rights in or over any railway property delineated on the deposited plans as they may reasonably require for the purposes of the specified works:
- (3) The Executive shall, before commencing the construction of the specified works, supply to the railways board proper and sufficient plans thereof for the 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 approval of plans submitted under this paragraph shall not be unreasonably withheld and, if within 56 days after such plans have been supplied to the railways board the engineer shall not have notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as supplied:
- (4) Notwithstanding the provisions of section 11 (Power to deviate) of this Act or anything shown on the deposited plans and sections, in constructing so much of Work No. 10 as is to be constructed in or over any railway property forming part of the lands numbered on the deposited plans 86, 87, 90, 92 and 93 in the City of Sheffield the Executive shall not deviate downwards from the levels shown on the deposited sections to any greater extent than 0.25 metres:
- (5) On the approval or settlement of plans of so much of Work No. 10 as is to be constructed in or over any railway property forming part of the land numbered on the deposited plans 103 in the City of Sheffield, the

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line and situation of that work within the limits of deviation for that work affecting that property shall be a relevant matter:

- (6) That plans of any specified work in respect of which an easement is acquired in or over railway property shall include provision for the fencing of any railway comprised in that work from any other railway property adjoining that work:
- (7) If within 56 days after such plans have been supplied 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 it 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:
- (8) 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 construction 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 shall have notified the Executive that the protective works have been completed:
- (9) The Executive shall give to the railways board not more than six months' and not less than 28 days' notice in writing of their intention to commence the construction of any of the specified works and, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with railway property:
- (10) The construction of the specified works shall, when commenced, be carried out—

(a) with all reasonable dispatch in accordance with the plans approved or deemed to be 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 as may be to railway property; 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 shall be caused or take place in consequence of the construction or repair of the specified works the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and shall 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:

Provided that nothing in this paragraph shall impose any liability on the Executive with respect to any damage, cost, expense or loss which is attributable to the neglect or default of the railways board or their servants or agents:

- (11) The Executive shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:
- (12) 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:
- (13) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, in consequence of the construction of the specified works, and the railways board give

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—cont.

to the Executive reasonable notice of their intention specifying the alterations or additions to be carried out, the Executive shall pay to the railways board the reasonable cost thereof including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the railways board in maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that, if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Executive to the railways board under this section:

- (14) The railway along Granville Street (part of Work No. 10), between a point 20 metres south of the southern end of the tunnel carrying that street over the railway from Sheffield (Midland Station) to Rotherham and a point at the junction of that street with Shrewsbury Road, shall be so constructed and maintained that a distance of 3 metres is maintained between the sides of the widest carriages to be used on the Executive's railway and the retaining wall on the east side of the said Midland Station of the railways board between those points for access by the railways board for the purposes of inspecting, repairing, maintaining, renewing or reconstructing that retaining wall and, notwithstanding the stopping up or diversion of any part of the said street, either permanently under section 8 (Further works and powers) or temporarily under section 12 (Temporary stoppage of highways) of this Act, or the substitution of a footpath therefor under the said section 8, the railways board shall be entitled to obtain access, with or without vehicles, on or along that space for those purposes.
- (15) The Executive shall pay 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 (3) above or in constructing any protective works under the provisions of paragraph (4) above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the railways board in maintaining and renewing such works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing interference, obstruction, danger or accident arising from the construction, maintenance, 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, repair or failure of the specified works 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 construction of the specified works:

- (16) If at any time after the completion of the specified works the railways board shall give notice to the Executive that the state of repair of the specified works prejudicially affects railway property, the Executive shall take such steps as may be reasonably necessary to avoid the prejudicial effect on railway property:
- (17) Before providing any illumination or illuminated road traffic sign on or in connection with the specified works in the vicinity of any railway of the railways board, the Executive shall consult with the railways board and comply, subject to the approval of the Secretary of State, with the board's reasonable requirements in regard thereto with a view to ensuring that such illumination or illuminated sign will not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:
- (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 construction or repair of the specified works or the failure thereof; or

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—cont.

(b) by reason of any act or omission of the Executive, or of any person in their employ, or of their contractors or others whilst engaged upon the construction or repair of the specified works;

and the Executive shall indemnify the railways board from and against all claims and demands arising out of or in connection with the construction or repair of 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 under the provisions of this Act 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 not attributable to the neglect or default 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) Any difference arising between the Executive and the railways board under this section (other than a difference as to its meaning or construction) shall be referred to and settled by arbitration.

Crown rights.

38.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, without prejudice to the generality of the foregoing, nothing in this Act authorises the Executive to take, use, or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of those commissioners or, as the case may be, of that government department.

(2) Nothing in this section shall prejudice or affect the exercise of statutory powers to carry out works in or affecting any highway vested in or maintained by the Secretary of State in relation to which the provisions of section 32 (As to highways, traffic, etc.) of this Act apply.

PART V

MISCELLANEOUS AND GENERAL

39.—(1) The Executive may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such conditions and requirements to be observed by the Executive as shall, in the opinion of the Secretary of State, be expedient for the protection, safety and convenience of the public, provide at or near any or each of the railway crossings specified in Schedule 2 to this Act (in this section referred to as “level crossings”) and maintain and operate so long as such consent continues in force, such lights, traffic signs and automatic or other devices and appliances as may be specified by the Secretary of State.

Safety arrangements at public level crossings.

(2) On application to the Secretary of State for a consent under this section, the Executive shall notify the Sheffield City Council of the proposals submitted by the Executive for such consent, and before giving any such consent the Secretary of State shall take into consideration any representations with respect to the application for the consent made to him by that council within 56 days of the receipt by them of such notification.

(3) So long as any consent continues in force under this section, any other provision having the same or a similar effect, in or incorporated with any enactment relating to any such level crossing shall cease to apply to any level crossing to which the consent relates.

(4) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign lawfully placed on or near a road in accordance with the provisions of the Road Traffic Regulation Act 1984, but nothing in this subsection shall impose on a highway authority any liability in respect of any such traffic sign.

1984 c. 27.

(5) Any lights, traffic signs and automatic or other devices and appliances provided in exercise of the powers conferred by this section (in this subsection referred to as “the specified apparatus”) shall, in any case where the specified apparatus is to be provided in, on or under any street or controlled land within the meaning of the Act of 1950, be deemed to be transport works for the purposes of Part II and Schedule 4 of that Act and accordingly the code in the said Part II shall have effect as if the construction or placing of any of the specified apparatus were specified in section 21 (1) (c) of that Act.

(6) On the stopping up or diversion under any other enactment of the part of the street, bridleway or footpath crossed by a railway at any of the level crossings referred to in

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—cont.

subsection (1) of this section, so as to extinguish public rights of way over the crossing, the provisions of this section shall cease to apply to that crossing.

Power to lop trees overhanging railway.

40.—(1) The Executive may cut and lop any trees planted in or near any railway forming part of the LRT system which may in any way interfere with the construction or working of the railway or cables, wires or other apparatus, or with the clear and safe passage of carriages and their passengers.

(2) In exercising the powers of this section the Executive shall do no unnecessary damage to trees and shall pay compensation to any person who may sustain damage by reason of the exercise of the powers.

Byelaws relating to LRT system.

41.—(1) The Executive may make byelaws regulating the use of and working of, and travel on, the LRT system, the maintenance of order on the LRT system and their railway premises or other facilities provided in connection with the LRT system, and the conduct of all persons including their officers and servants, while on those premises.

(2) Without prejudice to the generality of the foregoing subsection, byelaws under this section may contain provisions—

- (a) with respect to tickets issued for travel on the LRT system, the payment of fares and charges and the evasion of payment of fares and charges;
- (b) with respect to interference with, or obstruction of, the working of the LRT system or other facilities provided in connection with the LRT system;
- (c) with respect to the use of tobacco or other substances and the prevention of nuisances;
- (d) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within railway premises of the Executive, not being premises within the boundary of any street;
- (e) for the safe custody and re-delivery or disposal of property found in railway premises of the Executive, or elsewhere upon the LRT system, and for fixing the charges which may be made in respect thereof; and
- (f) for prohibiting or restricting the parking of vehicles on any part of the LRT system.

(3) Byelaws made under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding for each offence level 3 on the standard scale.

(4) Without prejudice to the taking of proceedings under subsection (3) of this section, if the contravention of any byelaw having effect under this section is attended with danger or annoyance to the public, or hindrance to the Executive in the conduct of the LRT system, it shall be lawful for the Executive summarily to take action to obviate or remove the danger, annoyance or hindrance.

PART V
—cont.

(5) Subsections (5) to (11) of section 67 of the Transport Act 1962 (confirmation of byelaws) shall apply to any byelaws made by the Executive under this section as if for references to the board, or to the board in question, there were substituted references to the Executive. 1962 c. 46.

42.—(1) On such day as may be appointed under subsection (2) below, regulations made, or having effect as if made, under section 25 or 60 (1) (*k*) of the Public Passenger Vehicles Act 1981 (regulation of conduct of passengers and lost property) shall have effect as if the carriages used on the LRT system were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985. Carriages on LRT system deemed public service vehicles. 1981 c. 14. 1985 c. 67.

(2) (*a*) The Executive may by resolution appoint a day for the purpose of any regulation mentioned in subsection (1) above, the day so appointed being fixed in accordance with paragraph (*b*) below.

(*b*) The Executive shall publish in a newspaper circulating in their area, notice—

- (i) of the passing of any such resolution and of the day fixed thereby; and
- (ii) of the general effect of the enactments for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(*c*) A photostatic or other reproduction certified by the secretary of the Executive to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in paragraph (*b*) above shall be evidence of the publication of the notice and of the date of publication.

43.—(1) The Executive may make byelaws regulating the use of premises belonging to or leased by the Executive for, or in connection with, bus services within their area (including premises provided at stations for interchange between road and rail traffic), the maintenance of order on such premises and the conduct of all persons, including their officers and servants, while on such premises. Byelaws relating to bus stations, etc.

PART V
—*cont.*

(2) Without prejudice to the generality of subsection (1) above, byelaws under this section may contain provisions—

- (a) with respect to interference with, or obstruction of, premises or facilities provided in connection with such bus services;
- (b) with respect to the use of tobacco or other substances and the prevention of nuisances;
- (c) with respect to the receipt and delivery of goods and the payment of charges with respect to the conveyance, custody or handling of goods;
- (d) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot.

(3) Any byelaws made under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding for each offence level 3 on the standard scale.

(4) Without prejudice to the taking of proceedings under subsection (3) above, if the contravention of any byelaws having effect under this section is attended with danger or annoyance to the public, or hindrance to the lawful conduct of bus services, it shall be lawful for the Executive summarily to take action to obviate or remove the danger, annoyance or hindrance.

1962 c. 46. (5) The provisions of subsections (5) to (11) of section 67 of the Transport Act 1962 (confirmation of byelaws) shall apply to any byelaws made by the Executive under this section as if for references to the board, or to the board in question, there were substituted references to the Executive.

Rating of LRT system.

44.—(1) Except as provided in subsection (5) below, premises which are, or form part of, premises occupied by the Executive forming part of the LRT system shall not be liable to be rated or to be included in any valuation list or in any rate, but subsections (2) and (3) below shall apply for the purposes of the making and levying of a rate in respect of those premises.

(2) For the purposes of the making and levying of a rate for any rate period in respect of the premises to which subsection (1) above applies the Executive shall be treated as occupying, in each rating area in which those premises are situated, a hereditament of a rateable value fixed or determined by such method as shall be specified in an order made by the Secretary of State under this section.

(3) The hereditament which the Executive are to be treated as occupying in a rating area by virtue of subsection (2) above shall be taken not to be situated in any part of that area in which there are leviable, as an additional item of the rate, expenses which are not leviable in that area taken as a whole.

(4) Subsections (2) to (5) of section 19 of the Local Government Act 1974 (determination of rateable value of premises occupied by public utilities and other bodies) shall apply to an order under this section as they apply to an order under that section. PART V
—cont.
1974 c. 7.

(5) Subsection (1) above shall not apply to—

(a) premises occupied as a dwelling, hotel or place of public refreshment;

(b) office premises situated on land of the Executive other than operational land within the meaning of the Town and Country Planning Act 1971; 1971 c. 78.

(c) premises which are so let out as to be capable of separate assessment.

(6) Expressions used in this section have the same meanings as in the General Rate Act 1967. 1967 c. 9.

45.—(1) The Executive may, with the approval of the Secretary of State, lease to any person the right to operate the LRT system under this Act. Leases and agreements for operation of LRT system.

(2) The exercise of the powers of any enactment in pursuance of any lease under this section shall be subject to the like provisions in relation thereto as would apply if those powers were exercised by the Executive.

46. Where under this Act any difference (other than a difference to which the provisions of the Act of 1965 as applied by this Act 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. Arbitration.

47.—(1) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (development authorised by private Act which designates specifically both the nature of the development thereby authorised and the land on which it may be carried out) 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. Planning permission.
S.I. 1977/289.

(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.

SCHEDULES

SCHEDULE 1

Section 7.

THE AUTHORISED WORKS

PART I

Description of works specifically authorised

Works in the City of Sheffield—

(Middlewood to Hillsborough).

Work No. 1 A railway (510 metres in length) commencing at a point 20 metres south-east of the junction of Winn Gardens with Middlewood Road, forming, along the north-east side of Middlewood Road, a single line of tramway (220 metres in length) from the point of commencement to a point 33 metres north-west of the junction of that road with Langsett Avenue and double lines of tramway (290 metres in length) from that point, and terminating in Middlewood Road at a point 32 metres south-east of its junction with Marion Road;

Work No. 1A A widening of Middlewood Road on its north-east side between the commencement and termination of Work No. 1;

Work No. 2 A railway (1,493 metres in length) commencing by a junction with Work No. 1 at its termination, forming double lines of tramway (1,493 metres in length) along Middlewood Road and Langsett Road and terminating in Langsett Road at a point 35 metres south-east of the junction (as existing) of Middlewood Road with Holme Lane and Langsett Road;

(Malin Bridge to Hillsborough).

Work No. 4 A railway (807 metres in length) commencing at the junction of Loxley Road with Stannington Road, forming double lines of tramway (474 metres in length) along Holme Lane and Langsett Road, with a single line of tramway (333 metres in length) along so much of Holme Lane as lies between its junction with Stannington Road and its junction with Ball Road, and terminating in Langsett Road by a junction with Work No. 2 at its termination 35 metres south-east of the junction (as existing) of Middlewood Road with Holme Lane and Langsett Road;

Work No. 4C A widening on the south side of Stannington Road and Holme Lane at the junction of those roads with Loxley Road, including a widening on its south-east side of Malin Bridge carrying Stannington Road over the river Loxley;

Work No. 4D A widening on the north side of Holme Lane between a point 35 metres north-east of its junction with Hillsborough Place and a point 63 metres north-east of that junction;

Work No. 4E A widening on the east side of Holme Lane and the south side of Langsett Road between a point in Holme

Lane 25 metres south-west of the junction (as existing) of those roads and a point in Langsett Road 25 metres south-east of that road junction, including a widening on its south-west side of Hillsborough Bridge carrying Langsett Road over the river Loxley;

SCH. 1
—cont.

- Work No. 5 A railway (363 metres in length) commencing by a junction with Work No. 4 at the junction of Loxley Road with Stannington Road, forming a single line of tramway (363 metres in length) along Loxley Road and Loxley New Road, and terminating by a junction with Work No. 4 at the junction of Ball Road with Holme Lane;
- Work No. 6 A railway (557 metres in length) commencing by a junction with Works Nos. 2 and 4 at their termination, forming double lines of tramway (557 metres in length) along Langsett Road, and terminating at a point 12 metres south-east of the junction of that road with Bamforth Street; (Hillsborough to City Centre).
- Work No. 7 A railway (1,204 metres in length) commencing by a junction with Work No. 6 at its termination, forming double lines of tramway (1,204 metres in length) along Langsett Road and Infirmary Road, and terminating at a point 10 metres north-west of the junction of Infirmary Road with Albert Terrace Road;
- Work No. 7A A widening on the south side of Langsett Road between a point 60 metres west of its junction with Channing Street and its junction with Primrose Hill;
- Work No. 8 A railway (1,553 metres in length) commencing by a junction with Work No. 7 at its termination, forming double lines of tramway along Infirmary Road to its junction with Roscoe Road (for a distance of 422 metres), then passing along the new street (Work No. 8A), turning south to the line of Hoyle Street as existing (for a distance of 253 metres), then along Netherthorpe Road and the line of Upper Hanover Street as existing (for a distance of 878 metres) and terminating at a point 15 metres north-east of the junction of the said Upper Hanover Street with Glossop Road, including an underpass in and under Netherthorpe Road, Brook Hill and Upper Hanover Street;
- Work No. 8A A new street commencing at the junction of Infirmary Road with Roscoe Road and terminating in Hoyle Street at the junction of that street with Meadow Street;
- Work No. 8B A widening on both sides of Upper Hanover Street between its junctions with Brook Hill and Glossop Road;
- Work No. 9 A railway (1,469 metres in length) commencing by a junction with Work No. 8 at its termination, forming double lines of tramway (for a distance of 1,469 metres) along Glossop Road, West Street, Church Street, High Street, Castle Square and Commercial Street, with treble lines of tramway (for a distance, within such last-mentioned distance, of 83 metres) along High Street between its junctions with Church Street and Castle Square, and terminating at a point 75 metres east of the junction of

- SCH. 1
—*cont.*
- (Park Hill to
City Road.)
- Commercial Street with Haymarket, including a bridge over the lower concourse in Castle Square;
- Work No. 9A Street improvements on both sides of Glossop Road, West Street, Church Street, High Street, including Castle Square, and Commercial Street between the junction of Glossop Road with Victoria Street and the termination of Work No. 9, comprising alteration of the carriageways and footways and landscaping;
- Work No. 10 A railway (1,849 metres in length), commencing by a junction with Work No. 9 at its termination, passing by a viaduct to and then along Granville Street, forming double lines of tramway along Commercial Street (distance 27 metres) and along Granville Street between the north side of the junction of that street with Shrewsbury Road and the south side of its junction with Granville Road (distance 153 metres), then by a viaduct to Park Grange Road and terminating on the south side of that road at a point 190 metres west of its junction with Beeches Drive, including a viaduct (No. 1) between a point 27 metres east of the commencement of the work and a point at Park Hill 62 metres north-east of the junction of Granville Street with Gilbert Street, alteration of the bridge and tunnel carrying Granville Street over the railway between Sheffield (Midland Station) and Rotherham, alteration of the eastern abutment of the bridge carrying Granville Road over the railway between that station and Chesterfield, and a viaduct (No. 2) between a point on the eastern cutting of that railway 104 metres south of that last-mentioned bridge and a point on the west side of Park Grange Road 65 metres south of the junction of that road with Norfolk Park Road;
- Work No. 10A Street improvements of Granville Street between Shrewsbury Road and Granville Road, including a widening on the south side of Shrewsbury Road and the east side of Granville Street at the junction of those roads;
- Work No. 11 A railway (1,868 metres in length) commencing by a junction with Work No. 10 at its termination, forming double lines of tramway (1,868 metres in length) one along each side of the carriageway of Park Grange Road, and terminating at the junction of that road with Spring Lane;
- Work No. 11A A widening of Park Grange Road on both sides between a point 15 metres east of the commencement of Work No. 11 and a point 73 metres north of the junction of that road with Park Grange Drive;
- Work No. 11B A widening of Park Grange Road on both sides between a point 25 metres north of its junction with Park Grange Drive and, on its south side, a point 3 metres east of its junction with Park Grange View and, on its north side, a point 75 metres east of its junction with Beldon Road;
- Work No. 11C A widening on the north side of Park Grange Road between a point 137 metres north-east of its junction with Guildford Avenue and a point 120 metres west of its junction with St. Aidan's Road;

- Work No. 12 A railway (1,090 metres in length) commencing by a junction with Work No. 11 at its termination, forming double lines of tramway (1,090 metres in length) along Park Grange Road, City Road, Wulfric Road, the new street (Work No. 12C) and the north-eastern carriageway of Fairleigh, and terminating at the junction of that carriageway with Fretson Road and Prince of Wales Road; SCH. 1
—cont.
(City Road to Gleadless.)
- Work No. 12A A widening on the south side of Park Grange Road and City Road at the junction of those roads between a point in Park Grange Road 45 metres south-west of that junction and a point in City Road 34 metres south-east of that junction;
- Work No. 12B A widening of Wulfric Road on both sides, being a widening on its west side between its junctions with City Road and Wulfric Place and a widening on its east and south side between a point 33 metres south of its said junction with Wulfric Place and a point 30 metres south-west of its junction with Fairleigh;
- Work No. 12C A new street across the central island at the junction of Wulfric Road, Windy House Lane and Fairleigh, commencing at Wulfric Road west of that road junction and terminating in the north-eastern carriageway of Fairleigh at that road junction;
- Work No. 12D A widening of the said north-eastern carriageway of Fairleigh on its south-west side between its junction with Wulfric Road and Windy House Lane and its junction with Fretson Road and Prince of Wales Road;
- Work No. 13 A railway (1,605 metres in length) commencing by a junction with Work No. 12 at its termination, forming double lines of tramway (1,605 metres in length) along the new street (Work No. 13A) and the central reserve of Prince of Wales Road and Ridgeway Road, between the junction of Prince of Wales Road with the said new street and the junction of Ridgeway Road with Hollinsend Road, and terminating at a point 15 metres north of that road junction;
- Work No. 13A A new street across the central island at the junction of Fairleigh, Fretson Road, Cullabine Road and Prince of Wales Road, commencing at the north-eastern carriageway of Fairleigh at that junction and terminating in the western carriageway of Prince of Wales Road;
- Work No. 13B An interchange at Elm Tree in Ridgeway Road between its junctions with City Road and Hurlfield Road, including a bus station;
- Work No. 14 A railway (670 metres in length) commencing by a junction with Work No. 13 at its termination, forming double lines of tramway (670 metres in length) along Ridgeway Road and terminating at a point 70 metres north of the junction of Ridgeway Road with Norton Avenue and White Lane;
- Work No. 14A An interchange at Gleadless Townend in Ridgeway Road between its junctions with Gleadless Road and White Lane, including a bus station;

SCH. 1
—*cont.*
(Gleadless to
Raeburn Road.)

Work No. 15 A railway (1,115 metres in length) commencing by a junction with Work No. 14 at its termination, forming double lines of tramway (502 metres in length) along Ridgeway Road and Norton Avenue, from the said point of commencement to a point on the north side of Norton Avenue 95 metres east of the junction of that road with Bowman Drive, then passing west and terminating at a point 55 metres east of the junction of Raeburn Road with Raeburn Close;

Work No. 15A A new road between Raeburn Road and Herdings Park commencing by a junction with the existing access road at a point 35 metres south of its junction with Raeburn Road and terminating by a junction with Raeburn Road at a point 35 metres east of its junction of Raeburn Close;

(Gleadless to
Mosborough.)

Work No. 16 A railway (222 metres in length) commencing by a junction with Work No. 14 at a point in Ridgeway Road 50 metres north of its junction with Gleadless Road, forming a single line of tramway (222 metres in length) along Gleadless Road and terminating by a junction with Work No. 17 at the junction of Gleadless Road with White Lane;

Work No. 16A A widening of Gleadless Road on its north side between its junction with Ridgeway Road and its junction with Seagrave Crescent;

Works in the City of Sheffield and the North East Derbyshire District—

Work No. 17 A railway (1,131 metres in length) commencing by a junction with Work No. 14 at its termination, forming a single line of tramway (225 metres in length) along Ridgeway Road and White Lane from the said point of commencement to the junction of White Lane with Gleadless Road and double lines of tramway (906 metres in length) from that point and terminating at a point 12 metres east of the junction of White Lane with Fox Lane;

Work No. 17A A widening on the east side of Ridgeway Road and the north side of White Lane at the junction of those roads between a point in Ridgeway Road 24 metres north of that road junction and a point in White Lane 22 metres east of that junction;

Work No. 18 A railway (972 metres in length) commencing by a junction with Work No. 17 at its termination and terminating on the south side of Birley Lane at a point 100 metres west of the junction of that road with Birley Moor Crescent;

Work No. 19 A railway (1,776 metres in length) commencing by a junction with Work No. 18 at its termination, forming double lines of tramway (1,776 metres in length) along Birley Lane (as existing), Sheffield Road and Donetsk Way, and terminating on the south side of Donetsk Way at a point 33 metres east of its junction with Brook Lane;

Work No. 19A A widening and alteration of the line of Birley Lane between a point 130 metres east of its junction with Birley Moor Crescent and its junction with Birley Moor Road;

SCH. 1
—cont.

Works in the City of Sheffield—

Work No. 19B A widening on the north side of Sheffield Road between its junction with Birley Moor Road and a point 55 metres east of its junction with Moorthorpe Way;

Work No. 19C An interchange at Birley Moor in Sheffield Road between its junction with Birley Moor Road and a point 68 metres west of its junction with Moorthorpe Way, including a bus station;

Work No. 19D A widening on the north side of Sheffield Road and Donetsk Way between the junction of Sheffield Road with Occupation Lane and a point on the north side of Donetsk Way 135 metres south-east of its junction with Sheffield Road;

Work No. 20 A railway (1,910 metres in length) commencing by a junction with Work No. 19 at its termination, passing on the south side of Donetsk Way, crossing Moss Way at a point 66 metres south of its junction with Donetsk Way and Waterthorpe Greenway, passing on the north side of Ochre Dike Lane and Ochre Dike, and terminating at a point 40 metres west of the western end of the culvert carrying Eckington Way over that stream;

Work No. 21 A railway (1,798 metres in length) commencing by a junction with Work No. 20 at its termination, crossing Eckington Way at a point 16 metres north of the western end of the said culvert and passing on the east side of Eckington Way to a point 110 metres north of the junction of that road with Station Road, crossing Eckington Way and then Station Road at a point 67 metres west of that road junction, turning south-east across Eckington Way at a point 70 metres south of the said road junction and terminating on land adjoining the east side of Eckington Way and the south side of Station Road;

Work No. 21A An interchange at Halfway between Eckington Way and Rotherham Road North, including a bus station and car parks;

Work No. 21B A new road forming part of Work No. 21A commencing by a junction with Eckington Way at a point 96 metres north of its junction with Station Road, passing into Rotherham Road North and terminating by a junction with Station Road, at a point 80 metres west of the said junction.

PART II

Description of further works and powers

In the City of Sheffield—

(a) The Executive may—

(i) set forward the kerblines and reduce to 10 metres the width of the carriageway of Middlewood Road between the points marked A1 and A2 on the deposited plans;

(ii) set forward the footway and kerblines and reduce to 10 metres the width of that carriageway between the points marked A2 and A7 on the deposited plans; and

(iii) stop up and discontinue the footway on so much of the north-east side of Middlewood Road as lies between the points marked A3 and A4 on the deposited plans, together with so much of each existing footpath connected therewith as extends 5 metres north-east thereof, substituting therefor a new footpath between the points so marked A5 and A6 and connecting the said new footpath with the said existing footpaths.

(c) The Executive may set back—

(i) the footway and kerblines on so much of the south side of Stannington Road and Holme Lane at the junction of those roads with Loxley Road as lies between the points marked C10 and C11 on the deposited plans;

(ii) the kerblines on the east side of Loxley Road and the south side of Loxley New Road at the junction of those roads, being the kerblines on those sides of so much of those roads as lies between the points marked C12 and C13 on the deposited plans;

(iii) the footway and kerblines on so much of the north side of Holme Lane, between its junctions with Hillsborough Place and with Middlewood Road and Langsett Road, as lies between the points marked C14 and C15 on the deposited plans; and

(iv) the footway and kerblines on the east side of Holme Lane and the south side of Langsett Road at the junction of those roads, being the footways and kerblines on so much of those sides of those roads as lies between the points marked C16 and C17 on the deposited plans.

(d) The Executive may—

(i) set back the footway and kerblines on so much of the south side of Langsett Road, between the junctions of that road with Bamforth Street and Primrose Hill, as lies between the points marked D1 and D2 on the deposited plans;

(ii) stop up and discontinue the offside lanes of the two carriageways of so much of Langsett Road and Infirmary Road, between the junction of Langsett Road with Wood Street and the junction of Infirmary Road with Albert

Terrace Road, as lies between the points marked D3 and D4 on the deposited plans;

(iii) set back the kerblines on each side of Netherthorpe Road between the points marked D5 and D6 and the points marked D15 and D16 on the deposited plans;

(iv) stop up and discontinue the subway under Netherthorpe Road between the points marked D7 and D8 on the deposited plans;

(v) set back the footway and kerblines on so much of the west side of Upper Hanover Street as lies between the points marked D9 and D10 on the deposited plans;

(vi) stop up and discontinue so much of Leavy Greave Road at its junction with Upper Hanover Street as lies between the points marked D11 and D12, substituting therefor a new footpath and cycle track between those points; and

(vii) set back the footway and kerblines on so much of the east side of Upper Hanover Street as lies between the points marked D13 and D14 on the deposited plans.

(e) The Executive may—

(i) stop up and discontinue the pedestrian subway under High Street at its junction with Fargate between the points marked E1, E2, E3 and E4 on the deposited plans; and

(ii) stop up so much of the northern carriageway of Commercial Street, between a point 75 metres east of its junction with Haymarket and its junction with Park Square, as lies between the points marked E5 and E6 on the deposited plans and form a kerblines across that existing carriageway at the junction of Commercial Street with Park Square.

(f) The Executive may—

(i) stop up and discontinue—

(A) so much of Granville Street between its junctions with Gilbert Street and Shrewsbury Road as lies between the points marked F1 and F2 on the deposited plans, substituting therefor a new footpath between those points;

(B) so much of the footpaths between Gilbert Street and Sheaf Street as lies between the points marked F1 and F3 on the deposited plans, substituting therefor a new footpath between those points;

(C) so much of the footpath between Gilbert Street and Sheaf Street as lies between the points marked F1 and F4 on the deposited plans, substituting therefor a new footpath between those points; and

(D) so much of the former street or footpath between South Street Park and Granville Street as lies between the points marked F8 and F9 on the deposited

SCH. 1
—cont.

plans, substituting therefor a new footpath between those points; and

(ii) set back the footways and kerblines on so much of the south side of Shrewsbury Road and the east side of Granville Street at the junction of those roads as lies between the points marked F10 and F11 on the deposited plans.

(g) The Executive may—

(i) stop up and discontinue the footway on so much of the south-west side of Park Grange Road between its junctions with Norfolk Park Road and the access to Norfolk Park School as lies between the points marked G1 and G2 on the deposited plans, substituting therefor a new footway adjoining Park Grange Road between those points;

(ii) set forward the kerblines on both sides and reduce to 6 metres the width of the carriageway of so much of Park Grange Road, between a point 15 metres east of the commencement of Work No. 11 and the junction of that road with Park Grange Drive, as lies between the points marked G3 and G4 and G33 and G34 on the deposited plans;

(iii) stop up and discontinue so much of the footpath between Beeches Drive and Park Grange Road as lies between the points marked G5 and G6 on the deposited plans;

(iv) set forward the kerbline and reduce to 6 metres the width of the carriageway of Park Grange Road at each of the following places:—

(A) on so much of the west and south side of the road, between its junction with Park Grange Drive and its junction with Guildford View, as lies between the points marked G7 and G8 on the deposited plans;

(B) on so much of the south-east side of the road, between its junctions with Guildford View and St. Aidan's Road, as lies between the points marked G9 and G10 on the deposited plans;

(C) on so much of the east side of the road, about a point 180 metres south-east of its junction with Park Grange Drive, as lies between the points marked G11 and G12 on the deposited plans;

(D) on so much of the north side of the road, about a point 65 metres north-west of its junction with Samuel Road, as lies between the points marked G13 and G14 on the deposited plans;

(E) on so much of the north side of the road, between its junctions with Beldon Road and Guildford Avenue, as lies between the points marked G19 and G20 on the deposited plans; and

(F) so much of the north side of the road, between its junctions with Guildford Avenue and St. Aidan's

Road, as lies between the points marked G23 and G24 on the deposited plans;

(v) set back the footway on so much of the north side of Park Grange Road, between its junction with Beldon Road and Guildford Avenue, as lies between the points marked G15 and G16 on the deposited plans;

(vi) stop up and discontinue so much of the last-mentioned footway as lies between the points marked G17 and G18 on the deposited plans;

(vii) set back the kerblines on so much of the north side of Park Grange Road and the west side of Guildford Avenue, at the junction of those roads, as lies between the points marked G21 and G22 on the deposited plans;

(viii) stop up and form a kerblines across the eastern carriageway of St. Aidan's Road, at its junction with Park Grange Road, at the point marked G25 on the deposited plans and alter the central reservation and roundabout at that road junction to form a parking area for residents with access at the points so marked G26 and G27;

(ix) set forward the kerblines on so much of the north side of Park Grange Road, between its junctions with St. Aidan's Road and Spring Lane, as lies between the said point marked G25 and the point marked G28 on the deposited plans in continuation of the kerblines referred to in sub-paragraph (viii) above;

(x) set back the footway on so much of the north side of Park Grange Road, between those last-mentioned road junctions, as lies between the points marked G29 and G30 on the deposited plans;

(xi) set back the kerblines on so much of the south side of Park Grange Road, between its said junction with St. Aidan's Road and a point 20 metres east of the said junction with Spring Lane, as lies between the points marked G31 and G32 on the deposited plans; and

(xii) set back the footways and kerblines—

(A) on so much of the east side of Park Grange Road and the south side of City Road at the junction of those roads as lies between the points marked G35 and G36 on the deposited plans;

(B) on so much of the north side of City Road at its junction with Wulfric Road and the west side of Wulfric Road between its junctions with City Road and Wulfric Place as lies between the points marked G37 and G38 on the deposited plans;

(C) on so much of the south-east side of Wulfric Road, between a point 31 metres south-west of its junction with Wulfric Place and its junction with Fairleigh, as lies between the points marked G39 and G40 on the deposited plans; and

(D) on the south-west side of the north-eastern carriageway of Fairleigh between the points marked G41 and G42 on the deposited plans.

SCH. 1
—cont.

(h) The Executive may—

(i) stop up and discontinue the crossing places across the central reserve of Prince of Wales Road, between its junctions with Fairleigh and City Road, at the points marked H1 and H2 on the deposited plans;

(ii) stop up and discontinue the subway under Ridgeway Road 40 metres south of its junction with City Road;

(iii) set back the footways and kerblines on both sides of Ridgeway Road, between its junction with City Road and Hurlfield Road, being the footway and kerblines on so much of the west side of that road as lies between the points marked H3 and H4 on the deposited plans and the footway and kerblines on so much of the east side of that road as lies between the points so marked H5 and H6;

(iv) set back the kerblines on so much of the west side of Ridgeway Road, between its junctions with Hurlfield Road and Hollinsend Road, as lies between the points marked H7 and H8 on the deposited plans;

(v) set back the kerblines on both sides of Ridgeway Road, between its junctions with Chatsworth Park Road and Hollinsend Road, being the kerblines on so much of the west side of that road as lies between the points marked H8 and H9 on the deposited plans and the kerblines on so much of the east side of that road as lies between the points so marked H10 and H11; and

(vi) stop up and discontinue the subway under Ridgeway Road 45 metres north of its junction with Hollinsend Road.

(j) The Executive may set back—

(i) the footway and kerblines on so much of the north side of Gleadless Road, east of its junction with Ridgeway Road, as lies between the points marked J1 and J2 on the deposited plans;

(ii) the kerblines on both sides of Ridgeway Road between its junctions with Gleadless Road and with Herdings Road and White Lane, being the kerblines on so much of the west side of that road as lies between the points marked J3 and J4 on the deposited plans and the kerblines on so much of the east side of that road as lies between the points so marked J5 and J6;

(iii) the footway and kerblines on so much of the east side of Ridgeway Road and the north side of White Lane, at the junction of those roads, as lies between the points marked J7 and J8 on the deposited plans;

(iv) the footway and kerblines on so much of the south side of White Lane between its junctions with Briarfield Road and Gleadless Road as lies between the points marked J9 and J10 on the deposited plans; and

(v) the footway and kerblines on so much of the north side of White Lane between its junctions with Gleadless

Road and Lister Avenue as lies between the points marked J13 and J14 on the deposited plans.

SCH. 1
—cont.

(k) The Executive may—

(i) alter the eastern junction of the northern carriage-way of Norton Avenue with the existing layby on the north side of that road 70 metres east of its junction with Bowman Drive between the points marked K1 and K2 on the deposited plans; and

(ii) stop up and discontinue—

(A) so much of the footpath between the Herdings Primary School and Raeburn Road south of its junction with Raeburn Place as lies between the points marked K3 and K4 on the deposited plans, substituting therefor a new footpath between the said point marked K3 and the point marked K5 on the deposited plans; and

(B) so much of the access road to Herdings Park from Raeburn Road as lies between the points marked K6 and K7 on the deposited plans, substituting therefor the new road (Work No. 15A).

In the City of Sheffield and the North East Derbyshire District—

(l) The Executive may set back—

(i) the kerbline on so much of the north side of Birley Lane, between a point 85 metres west of its junctions with Birley Moor Crescent and its junction with Birley Moor Road, as lies between the points marked L1 and L2 on the deposited plans;

(ii) the kerbline on so much of the south side of Birley Lane, between its junction with Birley Moor Crescent and its junction with Birley Moor Road, as lies between the points marked L3 and L4 on the deposited plans;

(iii) the footway and kerbline on so much of the north side of Sheffield Road, between its junctions with Birley Moor Road and Grasdale View, as lies between the points marked L5 and L6 on the deposited plans;

(iv) the footway and kerbline on so much of the north side of Sheffield Road, between its junction with Occupation Lane and Donetsk Way, as lies between the points marked L7 and L8 on the deposited plans; and

(v) the kerbline on so much of the north-east side of Donetsk Way as lies between the points marked L9 and L10 on the deposited plans.

In the City of Sheffield—

(m) The Executive may stop up and discontinue so much of the former roadway and footpath, between Eckington Way and Old Lane, as lies between the points marked M1 and M2 on the deposited plans.

Sections 9 (1)
and 39.

SCHEDULE 2

RAILWAY CROSSINGS IN STREETS

Footpath between Birley Lane and Birdfield;
Footpath between Beighton Road and Mosborough;
Moss Way;
Footpath between Waterthorpe Greenway and Ochre Dike Lane;
Private Access Road to Waterthorpe Shopping Centre;
Eckington Way north of Ochre Dike;
Elcroft Gardens;
Footpath between Beckton Avenue and Elcroft Gardens;
Footpath between Sandy Acres Close and Eckington Road;
Owlthorpe Greenway;
Holbrook Avenue;
Eckington Way north of Station Road;
Station Road;
Eckington Way south of Station Road.

Sections 22 (2)
and 29.

SCHEDULE 3

ADDITIONAL LANDS WHICH MAY BE ACQUIRED OR USED

Purpose (1)	Location (2)	Lands numbered on the deposited plans (3)
For the provision of a substation	Parkside Road	9
For accommodation works	Holme Lane	24
For the provision of a substation and landscaping	Holme Lane and Langsett Road	25
For the provision of a substation	Primrose Hill	31 part
For the provision of a working site for construction purposes	Brook Hill	57, 58 and 59
For the provision of a working site for construction purposes	Commercial Street and Park Square	77, 78 and 80
For the provision of a working site and for access for construc- tion	Granville College	100 and 101
For accommodation works	Park Grange Road and City Road	123, 124, 125, and 126
For the provision of a substation	Hurlfield Road	140
For the provision of a depot	Station Road, Halfway	218, 219 and 220

SCHEDULE 4

Section 24 (4).

ADAPTATION OF PART I OF THE COMPULSORY PURCHASE ACT 1965 1965 c. 56.

1. For section 7 of the Act of 1965 (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 of 1965 (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 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 material 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 of 1965 (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

SCH. 4
—cont.

which is to be compulsorily acquired is vested absolutely in the acquiring authority.

4. Section 11 of the Act of 1965 (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) shall be modified correspondingly.



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