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STATUTORY INSTRUMENTS

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**1999 No. 1306**

**The Wirral Tramway Order 1999**

**PART I**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Wirral Tramway Order 1999 and shall come into force on 30th April 1999.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“the Act of 1961” means the Land Compensation Act 1961(1);

“the Act of 1984” means the Road Traffic Regulation Act 1984(2);

“the Application Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992;

“authorised” means authorised by this Order;

“authorised tramroad” and “authorised tramway” mean the tramroads and tramways authorised by this Order;

“authorised works” means the scheduled works and any other works authorised by this Order;

“the borough” means the Metropolitan Borough of Wirral;

“carriageway” has the same meaning as in the Highways Act 1980(3);

“the Council” means the Council of the borough;

“the deposited plan” means the plan described in rule 7(1)(a) and rule 7(3) of the Applications Rules prepared in connection with the application for this Order and certified by the Secretary of State as “the deposited plan” for the purposes of the Order and references to land shown on that plan are references to the land so shown in pursuance of that rule;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“reserved track tramway” means any section of a street tramway laid along part of a street which vehicles other than tramcars are deterred or prevented from using;

“the scheduled works” means the works specified in Schedule 1 to this Order;

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(1) 1961 c. 33.  
(2) 1984 c. 27.  
(3) 1980 c. 66.

“the sections” means the sections described in rule 7(2) of the Applications Rules prepared in connection with the application for this Order and certified by the Secretary of State as “the sections” for the purposes of this Order;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part III of the New Roads and Street Works Act 1991<sup>(4)</sup>;

“street tramway” means any part of a tramway which is laid along a street—

- (a) whether or not the section of the street in which its rails are laid may be used by other traffic, and
- (b) whether the uppermost surface of the rails is level with, or raised above, the surrounding surfaces of the street;

“tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway which is not a street tramway;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“the undertaker” means the Council;

“vehicle” includes mobile traction unit.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface.

### **Application of enactments relating to railways**

**3.—(1)** The following provisions of the Railways Clauses Consolidation Act 1845<sup>(5)</sup> shall be incorporated in this Order but shall apply only in relation to the authorised tramroads—

section 24 (penalty for obstructing construction of railway);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level).

(2) In those provisions, as incorporated in this Order—

“the company” means the undertaker;

“the railway” means the authorised tramroads and, except where the context otherwise requires, any authorised works ancillary to the authorised tramroads;

“the special Act” means this Order.

(3) The provisions of the Regulation of Railways Act 1840 to 1893, except the provisions of the Regulation of Railways Act 1871<sup>(6)</sup>, shall not apply in relation to the authorised tramway.

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<sup>(4)</sup> 1991 c. 22.

<sup>(5)</sup> 1845 c. 20.

<sup>(6)</sup> 1871 c. 78.

(4) The provisions of the Highway (Railway Crossings) Act 1839<sup>(7)</sup> shall not apply in relation to the authorised tramway.

(5) Nothing in this article shall be taken as affecting the application to the authorised tramroads of sections 32 to 34 of the Offences Against the Person Act 1861<sup>(8)</sup>.

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<sup>(7)</sup> 1839 c. 45.  
<sup>(8)</sup> 1861 c. 100.