
STATUTORY INSTRUMENTS

2001 No. 1347

The Leeds Supertram (Extension) Order 2001

PART V

MISCELLANEOUS AND GENERAL

Statutory undertakers, etc.

35. The provisions of Schedule 9 to this Order shall have effect.

Minerals

36.—(1) Parts II and III of Schedule 2 to the Acquisition of Land Act 1981⁽¹⁾ (exception of minerals from compulsory purchase and regulation of the working of mines or minerals underlying an authorised undertaking) shall have effect in relation to land to which article 23(1) above applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.

(2) In their application by virtue of paragraph (1) above, Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 shall have effect with the following modifications—

- (a) references to the acquiring authority shall be construed as references to the Executive; and
- (b) references to the undertaking shall be construed as references to the undertaking which the Executive is authorised by this Order to carry on.

Saving for highway authorities

37. Nothing in this Order shall affect any power of a highway authority to widen, alter or improve any highway along which a street tramway is laid.

Protection for Environment Agency

38.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”), the following provisions shall, unless otherwise agreed in writing between the Executive and the Agency, have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽²⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽³⁾ in relation to anything done under or in pursuance of this Order.

(3) Before carrying out any works under the powers of this Order involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any

(1) 1981 c. 67.
(2) 1991 c. 57.
(3) 1991 c. 59.

culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the authorised tramway, the Executive shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the said plans have been approved in writing by the Agency.

(4) The approval of plans furnished under paragraph (3) above shall not be unreasonably withheld and if, within two months of such plans being supplied to the Agency, the Agency does not indicate in writing its disapproval and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied.

(5) For the purposes of this paragraph, “plans” includes sections, drawings, specifications, calculations and descriptions.

(6) Any culvert or any structure designed to contain or divert the flow of any watercourse being a culvert or structure situated within any land held by the Executive for purposes of or in connection with the authorised tramway, whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the Executive in good repair and condition and free from obstruction.

(7) Nothing in paragraph (6) above shall have the effect of requiring the Executive to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person are liable to maintain.

(8) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article, the Executive shall, upon receiving notice from the Agency, take such action as may be necessary to remedy the effect of the contravention to the Agency’s reasonable satisfaction and in default the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the Executive as a debt from them to the Agency.

(9) Any difference arising between the Executive and the Agency under this article (other than a difference as to its meaning or construction) shall be determined by arbitration.

Certification of plans, etc.

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

Service of notices

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

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

(3) For the purposes of section 7 of the Interpretation Act 1978⁽⁴⁾ as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) above is, if he has given an address for service, that address, and otherwise—

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

(4) 1978 c. 30.

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

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

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

Withholding of consent

42. Where it is provided in this Order that any consent or approval is not to be unreasonably withheld, any dispute as to whether it is so unreasonably withheld or as to any conditions subject to which it is given shall be determined by arbitration.

Arbitration

43. Where under this Order (including any provision incorporated in or applied by this Order) any difference (other than a difference to which the provisions of the 1965 Act apply) is to be determined by or referred to 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.