
STATUTORY INSTRUMENTS

2009 No. 1300

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Nottingham Express Transit System Order 2009

Made - - - - *19th May 2009*
Coming into force *9th June 2009*

THE NOTTINGHAM EXPRESS TRANSIT SYSTEM ORDER 2009

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of enactments relating to railways
4. Application of 1991 Act

PART 2

WORKS PROVISIONS

Principal powers

5. Power to construct and maintain works
6. Power to deviate
7. Designation of works

Streets

8. Power to alter layout, etc., of streets
9. Power to keep apparatus in streets
10. Power to execute street works
11. Stopping up of streets and extinguishment of rights
12. Temporary stopping up of streets
13. Access to works
14. Construction and maintenance of new, altered or diverted streets
15. Construction of bridges and tunnels
16. Restoration of streets if street tramway discontinued
17. Agreements with street authorities

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

18. New road crossings

Supplemental powers

- 19. Attachment of equipment to buildings
- 20. Temporary closure of, and works in, waterways
- 21. Discharge of water
- 22. Safeguarding works to buildings
- 23. Power to construct temporary street tramway
- 24. Planning permission: supplementary matters
- 25. Power to survey and investigate land, etc.
- 26. Mode of construction and operation of authorised tramway
- 27. Obstruction of construction of authorised works
- 28. Removal of human remains

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

- 29. Power to acquire land
- 30. Application of Part 1 of the Compulsory Purchase Act 1965
- 31. Application of Compulsory Purchase (Vesting Declarations) Act 1981
- 32. Power to acquire new rights
- 33. Power to acquire subsoil only
- 34. New rights only to be acquired in certain lands
- 35. Rights under or over streets

Temporary possession of land

- 36. Temporary use of land for construction of works
- 37. Temporary use of land for maintenance of works

Compensation

- 38. Disregard of certain interests and improvements
- 39. Set-off for enhancement in value of retained land

Supplementary

- 40. Acquisition of part of certain properties
- 41. Extinction or suspension of private rights of way
- 42. Open space in the City of Nottingham
- 43. Open space in the Borough of Broxtowe
- 44. Open space in the Borough of Rushcliffe
- 45. Time limit for exercise of powers of acquisition

PART 4

OPERATION OF THE AUTHORISED TRAMWAY

- 46. Power to operate and use authorised tramway
- 47. Power to charge fares
- 48. Removal of obstructions
- 49. Traffic signs
- 50. Traffic regulation

51. Power to lop trees overhanging authorised tramway
52. Trespass on the authorised tramroad
53. Power to make byelaws
54. Power to contract for police services
55. Powers of disposal, agreements for operation, etc.
56. Application of landlord and tenant law
57. Trams deemed public service vehicles
58. Substitute road services

PART 5

PENALTY FARES

59. Interpretation of Part 5
60. Operation of Part 5
61. Penalty fares
62. Amount of penalty fare
63. Document to be issued in connection with penalty fare requirement
64. Notice of penalty fare provisions
65. Supplementary provisions
66. Exclusion of double liability

PART 6

PROTECTIVE PROVISIONS

67. Statutory undertakers, etc.
68. Minerals
69. Saving for highway authorities
70. Arrangements with highway authorities
71. For protection of the Environment Agency
72. For protection of electricity, gas, water and sewerage undertakers
73. For protection of British Waterways Board
74. For protection of railway interests
75. For protection of Borough Councils

PART 7

MISCELLANEOUS AND GENERAL

76. Street and market traders
 77. Disclosure of confidential information
 78. Defence to proceedings in respect of statutory nuisance
 79. Certification of plans, etc.
 80. Service of notices
 81. No double recovery
 82. Arbitration
 83. Repeals of the 1994 Act
 84. Application to Line One
 85. Agreements and undertakings connected with the 1994 Act or the construction or maintenance of Line One
 86. Acquisition of land required for the further development or extension of the authorised tramway and Line One
 87. Greater Nottingham Light Rapid Transit Advisory Committee
 88. Existing local railway legislation
- Signature

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — ADDITIONAL LAND WHICH MAY BE ACQUIRED OR USED

SCHEDULE 3 — STREETS SUBJECT TO ALTERATION OF LAYOUT

PART 1 — HIGHWAYS SUBJECT TO ALTERATION OF LAYOUT

PART 2 — FOOTPATHS AND BRIDLEWAYS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 4 — STREETS TO BE PERMANENTLY STOPPED UP

PART 1 — HIGHWAYS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 2 — FOOTPATHS AND BRIDLEWAYS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 3 — HIGHWAYS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

PART 4 — FOOTPATHS AND BRIDLEWAYS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — STREETS TO BE TEMPORARILY STOPPED UP

PART 1 — HIGHWAYS TO BE TEMPORARILY STOPPED UP

PART 2 — FOOTPATHS AND BRIDLEWAYS TO BE TEMPORARILY STOPPED UP

SCHEDULE 6 — LAND NOT TO BE ACQUIRED COMPULSORILY

SCHEDULE 7 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without limiting the scope of paragraph 1, the Land...

Adaptation of the 1965 Act

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (provisions as to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 8 — ACQUISITION OF NEW RIGHTS ONLY

SCHEDULE 9 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 10 — TRAFFIC REGULATION

Interpretation

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 1 — STOPPING, WAITING, LOADING OR UNLOADING

PART 2 — PARKING PLACES

PART 3 — DIRECTION OF TRAFFIC

PART 4 — VEHICULAR ACCESS

SCHEDULE 11 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS,
ETC.

Apparatus of statutory undertakers, etc., on land acquired

1. (1) Subject to the following provisions of this paragraph, sections...

Apparatus of statutory undertakers, etc., in stopped up streets

2. (1) Where a street is stopped up under article 11...

SCHEDULE 12 — FOR PROTECTION OF ELECTRICITY, GAS, WATER AND
SEWERAGE UNDERTAKERS

Interpretation

1. In this Schedule—“apparatus” means— in the case of a...

Application of Schedule 11

2. Paragraphs 1(1) and 2 of Schedule 11 (provisions relating to...

Apparatus in stopped up streets

3. Where any street is stopped up under article 11 (stopping...
4. The promoter shall give not less than 28 days' notice...

On-street apparatus

5. This Schedule shall not apply to anything done or proposed...

Acquisition of land

6. The promoter shall not acquire any apparatus from a specified...
7. The promoter may in exercise of the powers conferred by...

Removal of apparatus

8. Paragraphs 9 to 12 apply where— (a) the promoter requires...
9. The promoter shall, if it is practicable to do so,...
10. The obligation imposed upon the specified undertaker by paragraph 9...
11. Any alternative apparatus to be constructed by the specified undertaker...
12. The specified undertaker shall, after the manner of construction and...

Removal of apparatus and construction of alternative apparatus by the promoter

13. Paragraphs 14 to 16 apply to so much of the...
14. If the promoter gives notice in writing to the specified...
15. In carrying out any work under paragraph 14 the promoter...
16. Nothing in paragraph 14 shall authorise the promoter to carry...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Facilities and rights for alternative apparatus

17. Where, in accordance with the provisions of this Schedule, the...
18. In determining the terms and conditions mentioned in paragraph 17...
19. If the facilities and rights to be afforded by the...

Retained apparatus: protection and plan approval

20. Not less than 56 days before commencing to construct or...
21. In relation to a work which is a specified work...
22. The promoter shall not commence the construction or renewal of...
23. Any approval of the specified undertaker required under paragraph 22—...
24. In relation to a work to which paragraph 21 applies,...
25. A specified work shall be constructed (and in the case...
26. If within 42 days after the submission to it of...
27. Nothing in paragraph 20 or 26 shall preclude the promoter...
28. The promoter shall not be required to comply with paragraph...
29. Nothing in paragraph 28 shall entitle the promoter to carry...

Co-operation

30. Where in consequence of the proposed construction of any of...

Access

31. If in consequence of the exercise of the powers conferred...

Expenses

32. Subject to the provisions of the following paragraphs of this...
33. There shall be deducted from any sum payable under paragraph...
34. If in pursuance of the provisions of this Schedule—
35. For the purposes of paragraph 34— (a) an extension of...
36. An amount which apart from this paragraph would be payable...
37. In any case where work is carried out by the...

Indemnity

38. If, by reason or in consequence of the construction, maintenance...
39. Nothing in paragraph 38 shall impose any liability on the...
40. The specified undertaker shall give to the promoter reasonable notice...

Exercise of safeguarding and survey powers

41. The promoter shall, so far as is reasonably practicable, so...
42. The promoter shall not, in the exercise of the powers...

Arbitration

43. Any difference arising between the promoter and a specified undertaker...

Transfer of functions

44. The promoter shall give notice to every specified undertaker if...
45. The obligation to give notice under paragraph 44 to a...

Notices

46. Any notice in writing to be given by the promoter...

Accommodation or other facilities

47. The following provisions of this paragraph shall have effect for...

SCHEDULE 13 — FOR PROTECTION OF BRITISH WATERWAYS BOARD

1. For the protection of the British Waterways Board the following...

Interpretation

2. In this Schedule— “the Board” means the British Waterways Board;...

Powers requiring the Board’s consent

3. (1) The promoter shall not under the powers conferred by...

Vehicles, plant and machinery

4. (1) The promoter shall not use any land or property...

Closure of towing paths, etc.

5. If in consequence of or in connection with the exercise...

Fencing

6. Where so required by the engineer the promoter shall to...

Survey of waterway

7. (1) Before the commencement of the initial construction of any...

Approval of plans, protective works, etc.

8. (1) The promoter shall before commencing construction of any specified...

Design of works

9. Without affecting its obligations under the foregoing provisions of this...

Programming and notice of works

10. On or before 1st June in any year the promoter...
11. The promoter shall give to the engineer not less than...
12. Except in case of emergency the promoter shall exercise the...

Lighting

13. The promoter shall provide and maintain at its own expense...

Construction of specified works

14. (1) Any specified or protective work shall, when commenced, be...
15. (1) Any pile, stump or other obstruction which becomes exposed...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Prevention of pollution

16. The promoter shall not in the course of constructing a...

Access to work: provision of information

17. (1) The promoter, on being given reasonable notice, shall—

Costs of alterations, etc.

18. Any additional expenses which the Board may reasonably incur in...

Alterations to waterway

19. (1) If during the construction of a specified work or...

Removal of temporary works and material

20. (1) The promoter shall upon completion of any part of...

Maintenance of works

21. If at any time after the completion of a specified...

Repayment of the Board's fees, etc.

22. The promoter shall repay to the Board all fees, costs,...

Making good of detriment: compensation and indemnity, etc.

23. (1) If any detriment shall be caused by the construction...

Details of capitalised sums to be provided

24. Where under any provision of this Schedule the Board or...

Arbitration

25. Any difference arising between the promoter and the Board under...

SCHEDULE 14 — FOR PROTECTION OF RAILWAY INTERESTS

1. The following provisions shall have effect, unless otherwise agreed in...
2. In this Schedule— “construction” includes execution, placing, alteration and reconstruction...
3. (1) Where under this Schedule Network Rail is required to...
4. (1) The promoter shall not exercise the powers conferred by...
5. (1) The promoter shall before commencing construction of any specified...
6. (1) Any specified work and any protective works to be...
7. The promoter shall— (a) at all times afford reasonable facilities...
8. Network Rail Infrastructure Limited shall at all times afford reasonable...
9. (1) If any permanent or temporary alterations or additions to...
10. The promoter shall repay to Network Rail Infrastructure Limited all...
11. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
12. If at any time after the completion of a specified...
13. The promoter shall not provide any illumination or illuminated sign...
14. Any additional expenses which Network Rail Infrastructure Limited may reasonably...
15. (1) The promoter shall pay to Network Rail Infrastructure Limited...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

16. Network Rail Infrastructure Limited shall, on receipt of a request...
17. In the assessment of any sums payable to Network Rail...
18. The promoter and Network Rail Infrastructure Limited may, subject in...
19. Nothing in this Order, or in any enactment incorporated with...
20. The promoter shall give written notice to Network Rail if...
21. The promoter shall, no later than 28 days from the...

SCHEDULE 15 — REPEALS OF THE 1994 ACT

PART 1 — ENACTMENTS WITHIN THE 1994 ACT REPEALED WITH IMMEDIATE EFFECT

PART 2 — ENACTMENTS WITHIN THE 1994 ACT REPEALED WHEN LINE ONE IS FIRST OPERATED PURSUANT TO AN AGREEMENT MADE UNDER ARTICLE 55

Enactments Repealed

PART 3 — ENACTMENTS WITHIN THE 1994 ACT REPEALED WHEN ALL LAND OCCUPIED PURSUANT TO POWERS OF COMPULSORY ACQUISITION GRANTED BY THE 1994 ACT HAS BEEN COMPULSORILY ACQUIRED BY THE PROMOTER

SCHEDULE 16 — APPLICATION TO LINE ONE

1. On the coming into force of this Order, article 55...
2. (a) From the beginning of the day on which, pursuant...
3. The provisions of this Order referred to in paragraph 2...
4. In the application to Line One of any of the...
5. The reference in article 19 (attachment of equipment to buildings)...
6. In paragraph 5 “the relevant owner” means—
7. Sub-paragraphs (d), (e) and (f) of paragraph 5 shall apply...
8. In respect of the application of Part 5 of this...
9. In respect of the application of article 88 (existing local...
10. In their application to Line One, in sub-paragraphs 47(c) to...

SCHEDULE 17 — AGREEMENTS AND UNDERTAKINGS CONNECTED WITH THE 1994 ACT OR THE CONSTRUCTION OR MAINTENANCE OF LINE ONE

Interpretation

1. In this Schedule “the Line One agreements” means the following...

Application to this Order

2. Subject to the provisions of this Schedule, the Line One...

References to provisions of the 1994 Act that are repealed and re-enacted by this Order

3. For the purposes of the application of section 17(2)(a) of...

Effect of repeals on Line One agreements

4. Regardless of any provision in a Line One agreement to...
5. No reference in a Line One agreement to a person...
6. The references in the following Line One agreements to specified...

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nottingham Express Transit System Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 6 word deleted by [S.I. 2011/1491 art. 2\(2\)](#)
- art. 43 substituted by [S.I. 2011/1491 art. 2\(3\)](#)