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STATUTORY INSTRUMENTS

2012 No. 981

**TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND**

The Transport for Greater Manchester (Light Rapid Transit System) (Oldham, Mumps Modification) Order 2012

Made - - - - *29th March 2012*

Coming into force - - *19th April 2012*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1), for an Order under sections 1 and 5 of the Transport and Works Act 1992(2) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 26th March 2012.

The Secretary of State in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 2, 4, 8, 9, 13 and 15 of Schedule 1 to, the 1992 Act, makes the following Order:—

Citation and commencement

1. This Order may be cited as the Transport for Greater Manchester (Light Rapid Transit System) (Oldham, Mumps Modification) Order 2012 and comes into force on 19th April 2012.

Interpretation

2.—(1) In this Order—

“the 1994 Act” means the Greater Manchester (Light Rapid Transit System) Act 1994(3);

“the additional limits of deviation” means the additional limits shown on the plan;

(1) S.I. 2006/1466.

(2) 1992 c. 42. Part 1 of this Act is amended by S.I. 1995/1541, S.I. 1998/2226, S.I. 2000/3199 and S.I. 2006/958.

(3) 1994 c. vi.

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

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“the limits of deviation” means the limits of deviation for the scheduled work shown on the plan;

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

“Mumps Surface Crossing Order” means the Greater Manchester (Light Rapid Transit System) (Mumps Surface Crossing) Order 2001(4);

“the plan” means the plan certified by the Secretary of State as the plan for the purposes of this Order;

“the scheduled work” means the work specified in the Schedule or any part of it;

“the sections” means the sections certified by the Secretary of State as the sections for the purposes of this Order;

“street tramway” means any part of a tramway which is laid along a street whether or not the section of the street in which its rails are laid may be used by other traffic;

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

“the undertaker” means Transport for Greater Manchester established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969(5).

(2) All distances, directions and lengths stated in the description of the scheduled work or in any description of powers are approximate, and distances between points on a street tramway or tramroad are to be taken to be measured along the street tramway or tramroad.

Power to continue, maintain and operate tramroad

3.—(1) The undertaker may continue, maintain and operate the scheduled work.

(2) The undertaker may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the scheduled work, namely—

- (a) stations, platforms and stopping places;
- (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the scheduled work;
- (c) works for the strengthening, alteration or demolition of any building or structure;
- (d) works to alter the position of any street furniture or apparatus, including mains, sewers, drains and cables;
- (e) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (f) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the other authorised works; and
- (g) replacement facilities and works for the benefit or protection of premises affected by the other authorised works.

(3) The undertaker may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the continuation, maintenance and operation of the scheduled work.

(4) S.I. 2001/1368.

(5) S.I. 1969/25, amended by S.I. 1973/1727.

(4) Paragraphs (2) and (3) only authorise the carrying out and maintenance of works within the limits of deviation.

Power to deviate

- 4.—(1) In maintaining the scheduled work, the undertaker may—
- (a) deviate laterally from the lines or situations shown on the plan within the limits of deviation for that work shown on that plan; and
 - (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 3 metres upwards; and
 - (ii) to any extent downwards as may be found to be necessary or convenient.
- (2) The undertaker may in maintaining the scheduled work lay down—
- (a) double lines of rails in place of single lines;
 - (b) single lines of rails in place of double lines;
 - (c) interlacing lines of rails in place of double or single lines; or
 - (d) double or single lines of rails in place of interlacing lines.
- (3) The undertaker may in maintaining the scheduled work provide within the limits of deviation such number of lines of rails and sidings as may be necessary or expedient.

Designation of works

- 5.—(1) Regardless of anything in the description of the scheduled work the whole or part of the scheduled work may be maintained within the limits of deviation for that work along a street as a street tramway and, so far as it is so maintained, is to be treated for the purposes of this Order as if it were so designated.
- (2) Where, by means of the creation or extinguishment of rights of way—
- (a) any part of the scheduled work which has been constructed as a tramroad becomes a street tramway, it is to be treated for the purposes of this Order as if it were designated as a street tramway; and
 - (b) any part of the scheduled work which has been constructed as a street tramway becomes a tramroad, it is to be treated for the purposes of this Order as if it were designated as a tramroad.

Application of existing powers

- 6.—(1) The following provisions of the 1994 Act apply to the scheduled work as if it were a work authorised by that Act and as if it were included in the definition of “the tramroads” in section 2 of that Act—
- section 6 (gauge of tramroads and tramway);
 - section 10 (certain works to be deemed tramways, etc.);
 - section 11 (extension of powers), so far as it applies Part 2 of the Greater Manchester (Light Rapid Transit System) Act 1988 Act(6), and section 9 of the Greater Manchester (Light Rapid Transit System) (No. 2) Act 1988(7).

(6) 1988 c. i.
(7) 1988 c. ii.

(2) For the purposes of the application of article 55 (application of powers) of the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996⁽⁸⁾, the authorised works together with the works authorised by the Mumps Surface Crossing Order are to be treated as comprised in the light rapid transit system authorised by the 1994 Act.

(3) Section 11 of the 1994 Act as applied by paragraph (1) is to have effect as if, in subsection (2) (d), in addition to the reference to West Street and Winterbottom Street, and the reference (provided for in article 5(2) of the Mumps Surface Crossing Order) to the highway at the junction of Wallshaw Street and Mumps and the highway at the junction of Wallshaw Place and Bottom O' Th' Moor, there were a reference to Oldham Way at its junction with Lees Road.

Variation of Mumps Surface Crossing limits

7.—(1) The undertaker may, in constructing and maintaining Work No.1 authorised by the Mumps Surface Crossing Order, deviate laterally from the lines or situations shown on the works plans for that Order within the limits of deviation for that work shown on those plans and also within the additional limits of deviation.

(2) Article 3(2) of the Mumps Surface Crossing Order is amended by the insertion after the words “Subject to article 4 below” of the words “and article 7(1) of the Transport for Greater Manchester (Light Rapid Transit System) (Oldham, Mumps Modification) Order 2012⁽⁹⁾”.

Certification of plan, etc.

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

Signed by authority of the Secretary of State for Transport

Martin Woods
Head of the Transport and Works Act Order Unit
Department for Transport

29th March 2012

⁽⁸⁾ S.I. 1996/2714.
⁽⁹⁾ S.I.2012/981.

SCHEDULE

Article 2

Scheduled Work

In the borough of Oldham

A tramroad (double track) approximately 130 metres in length constructed by the undertaker, by way of a deviation of the Middleton to Shaw railway, from a point north east of the former Mumps station running across the road intersection between Oldham Way, Lees Road and Mumps before terminating in the vicinity of Wallshaw Place by a junction with the commencement of Work No.2 of the Mumps Surface Crossing Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further provision for tram lines at Mumps in Oldham. It authorises Transport for Greater Manchester—

- (a) to continue, maintain and operate a tramroad at Mumps in Oldham being a deviation of a tramroad previously authorised to operate on the former Middleton to Shaw railway; and
- (b) to deviate in the construction of a street tramway authorised by the Greater Manchester (Light Rapid Transit System) (Mumps Surface Crossing) Order 2001 not only within the lines or situations shown on the works plans certified for the purposes of that Order but also within the additional limits of deviation shown on the plan certified for the purposes of this Order,

and it applies to the tram lines at Mumps existing operational provisions applicable to Transport for Greater Manchester's transit system.

A copy of the plan and sections and the book of reference are available for inspection free of charge during working hours at the offices of Transport for Greater Manchester, 2 Piccadilly Place, Manchester M1 3BG.