



Leeds Supertram Act 1993

1993 CHAPTER xv

PART VI

MISCELLANEOUS AND GENERAL

General

64 Power to contract for police

- (1) The Executive may from time to time make agreements with the chief officer of police and a police authority for the employment by the Executive of any members of the police establishment of that police authority for police duty within the Executive's premises, or other facilities provided in connection with the tramway system, or elsewhere upon any part of the tramway system.
- (2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the Executive may agree with the police authority.
- (3) Where agreement under this section is made with the railways board, members of the British Transport Police Force may act in accordance with the terms of the agreement as constables in, on and in the vicinity of any premises of the Executive notwithstanding the provisions of subsection (1) of section 53 (As to appointment of constables) of the British Transport Commission Act 1949.
- (4) In this section "police authority" includes—
 - (a) a police authority within the meaning of the Police Act 1964; and
 - (b) the railways board.

65 Powers to operate tramway system and charge

- (1) The Executive may operate and use the tramway system for the carriage of passengers and goods.

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- (2) The Executive may demand, take and recover such charges for the use of the tramway system and any services and facilities provided in connection therewith, and may make such use subject to such terms and conditions, as they think fit.

66 Powers of disposal, agreements for operation, etc

- (1) The Executive may, with the consent of the Secretary of State, sell, lease, charge or otherwise dispose of, on such terms and conditions as they think fit, the whole or any part of the tramway system or the right to operate the tramway system under this Act.
- (2) Without prejudice to the generality of subsection (1) above, the Executive may enter into and carry into effect agreements with respect to any of the following matters, namely, the construction, maintenance, use and operation of the tramway system, or any part or parts of that system, by any other person, and other matters incidental or subsidiary thereto or consequential thereon, and the defraying of, or the making of contributions towards, the cost of the matters aforesaid by the Executive or any other person.
- (3) Any agreement under subsection (2) above may provide (inter alia) for the exercise of the powers of the Executive in respect of the tramway system or any part or parts thereof, and for the transfer to any person of the tramway system or any part or parts thereof together with the rights and obligations of the Executive in relation thereto.
- (4) The exercise of the powers of any enactment by any person in pursuance of any sale, lease, charge or disposal under subsection (1) above, or any agreement under subsection (2) above, shall be subject to the same restrictions, liabilities and obligations as would apply under this Act if those powers were exercised by the Executive.
- (5) For the avoidance of doubt it is hereby declared that nothing in section 15 (2) of the Transport Act 1968 (restriction on alteration of charges) shall apply in relation to the operation of the tramway system by any person other than the Executive, but this subsection is without prejudice to any provision with respect to charges that may be made in an agreement under subsection (1) or (2) above.
- (6) (a) The Council shall have power to acquire or to take on lease from the Executive pursuant to subsection (1) above the whole or any part of the tramway system, or the right to operate that system.
- (b) The Council or the railways board may enter into and carry into effect agreements with the Executive under subsection (2) above.

67 Application of landlord and tenant law

- (1) This section applies to any agreement for leasing to any person the whole or any part of the tramway system or the right to operate the same under section 66 (1) of this Act, and any agreement entered into by the Executive with any person for the construction, maintenance, use or operation of the tramway system, or any part of that system, under section 66 (2) of this Act so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.
- (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this section applies.

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- (3) Accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—
- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
 - (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
 - (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

68 Restoration of streets if tramway discontinued

If the Executive cease to operate any tramway with the intention that that cessation shall be permanent, they shall as soon as reasonably practicable, unless otherwise agreed with the highway authority—

- (a) remove from the street in which that discontinued tramway is laid, the rails and any other works, equipment and apparatus which have become redundant; and
- (b) restore, to the reasonable satisfaction of the highway authority, the part of the street along which the discontinued tramway was laid, regard being had to the condition of the street before the tramway was laid.

69 Local inquiries

- (1) Subject to subsection (2) below, subsections (2) to (5) of section 250 of the Local Government Act 1972 (supplementary provisions with respect to local inquiries held in pursuance of that section) shall apply to local inquiries under this Act as they apply to inquiries under that section.
- (2) Subsection (4) of the said section 250 shall apply in accordance with subsection (1) above, in relation to such local inquiries as are held with respect to any order under this Act as if the reference to a local authority in that subsection were a reference to the Executive.

70 Arbitration

Where under this Act any difference (other than a difference to which the provisions of the Act of 1965 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.

71 Planning permission

- (1) Subject to subsection (2) below, in its application to development authorised by this Act, the planning permission specified in subsection (3) below 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.

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- (2) Subsection (1) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of the authorised works or the substitution of new works therefor.
- (3) The planning permission referred to in subsection (1) above is that granted for development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).