



# Leeds Supertram Act 1993

## 1993 CHAPTER xv

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Noise insulation*

#### **54 Insulation against noise**

- (1) The Executive may, after consulting the West Yorkshire Passenger Transport Authority, make a scheme providing for the making of grants towards the cost of insulating buildings, or such classes of buildings as the Executive may think fit, or any parts of any such buildings, against noise caused, or expected to be caused, by the use of the tramway system.
- (2) The Executive may make grants in accordance with a scheme made under subsection (1) above.
- (3) A scheme under subsection (1) above—
  - (a) shall specify the areas in respect of which grants are payable;
  - (b) shall make provision as to the persons to whom, the expenditure in respect of which, and the rate at which, the grants are to be paid;
  - (c) may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme;
  - (d) shall specify a date, not less than two years after first publication of the notice referred to in subsection (5) below, for the submission of a valid application for a grant; and
  - (e) shall require the Executive, in any case where application for a grant is refused, to give to the applicant at his request a written statement of their reasons for the refusal.
- (4) A scheme under subsection (1) above may make different provisions with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under subsection (1) above without affecting grants already made.

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- (5) (a) As soon as may be after the making of a scheme under this section the Executive shall publish, once at least in each of two successive weeks in one or more newspapers circulating in the areas to which the scheme relates, a notice stating the general effect of the scheme and specifying a place or places in each such area where a copy of the scheme may be inspected by any person free of charge at all reasonable hours.
- (b) A photostatic or other reproduction certified by the secretary of the Executive or some other person authorised by the Executive for that purpose to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing a notice mentioned in this subsection shall be evidence of the publication of the notice and of the date of publication.

## **55 Orders for insulating new buildings.**

- (1) Where the Executive have made a scheme under section 54 (Insulation against noise) of this Act in respect of any area or areas, they may apply to the Secretary of State for an order requiring provision for insulation against noise to be made in any building of a class to which the scheme applies which is erected after a date specified in the order, or in any extension of, or alteration to, any building of such class made after that date.
- (2) The order shall define by reference to a map the areas to which it applies, which may comprise the whole or part of any areas to which the scheme relates.
- (3) Application for an order under this section shall be accompanied by a draft of the order and a map defining the areas to which it relates.
- (4) Before making application for an order under this section the Executive shall publish, once at least in each of two successive weeks in one or more newspapers circulating in the areas to which the draft order applies, a notice—
  - (a) stating the general effect of the intended order;
  - (b) specifying a place in the said areas where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice;
  - (c) stating that within that period any person may, by notice to the Secretary of State, object to the application.
- (5) Any person claiming to be affected by the application may object to it by sending notice of his objection, stating the grounds of objection, to the Secretary of State within the period specified in the notice and a copy of the notice of objection to the Executive.
- (6) The Secretary of State may make the order in the terms of the draft or in those terms as modified in such manner as he thinks fit:
 

Provided that, if any objection is duly made by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report of the person who held the inquiry.
- (7) If the Secretary of State makes an order under this section the Executive shall publish notice of the making, and of the effect, of the order in one or more newspapers circulating in the areas to which the order relates.
- (8) An order under this section shall be a local land charge.

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(9) Where—

- (a) plans are in accordance with building regulations deposited with a local authority; or
- (b) an initial notice is given to a local authority under section 47 of the Building Act 1984;

for the erection or alteration of a building in an area to which an order under this section relates, the local authority shall, notwithstanding anything in section 16 or 47 of that Act, reject the plans or, as the case may be, the notice unless it is shown to them—

- (i) that satisfactory provision will be made for insulating the building (or, as the case may be, the extension or alteration of the building) against noise; or
- (ii) that in the case of an extension or alteration no such insulation is necessary.

- (10) Section 16 (6) to (8) and section 36 (2) to (6) and section 48 (2) of the Building Act 1984 (notice of rejection or passing of plans, enforcement of requirements and effect of initial notice) shall have effect as if this section were a section of that Act and specified in section 48 (3) of that Act.

## **56 Repeal of sections 54 and 55**

- (1) If it appears to the Secretary of State that, as a result of the passing of any enactment after the date of this Act, it is appropriate that sections 54 (Insulation against noise) and 55 (Orders for insulating new buildings) of this Act should be repealed, he may make an order repealing those sections.
- (2) An order under this section shall be made by statutory instrument and may contain such transitional, consequential and saving provisions as may be appropriate.
- (3) An order under this section shall not be made except on an application by the Executive.

### *Prevention of obstruction*

## **57 Removal of obstructions**

- (1) If any obstruction to traffic on the tramway system is caused by—
  - (a) a vehicle on any tramway or at any level crossing waiting, loading, unloading or breaking down; or
  - (b) a load falling on any tramway, or at any level crossing, from a vehicle;the person in charge of the vehicle shall forthwith remove the vehicle or the load so as to prevent the continuance of the obstruction and, if he fails to do so, the Executive may remove the vehicle or load, taking all necessary steps for that purpose, and may recover from the person responsible the expenses reasonably incurred in doing so.
- (2) In subsection (1) above “person responsible” means—
  - (a) in the case of a vehicle waiting, loading, unloading or breaking down—
    - (i) the owner of the vehicle at the time at which it became an obstruction to traffic on the tramway system unless he shows that he was not concerned in, or aware of, the placing of the vehicle at that time; and
    - (ii) the person by whom the vehicle was placed so that it became an obstruction to traffic on the tramway system; and

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- (b) in the case of a load falling from a vehicle—
  - (i) the owner of the vehicle at the time of that event unless he shows that he was not concerned in, or aware of, the placing of the vehicle or its load at that time; and
  - (ii) the person in charge of the vehicle at the time when the load fell from it.

## **58 Power to lop trees overhanging railway**

- (1) The Executive may cut and lop any trees in or near any railway forming part of the tramway system which may in any way interfere with the construction or working of the railway or cables, wires or other apparatus, or with the clear and safe passage of vehicles and their passengers.
- (2) In exercising the powers of this section the Executive shall do no unnecessary damage to trees and shall pay compensation to any person who may sustain damage by reason of exercise of the powers.

### *Public order*

## **59 Byelaws relating to tramway system**

- (1) The Executive may make byelaws regulating the use of and working of, and travel on, the tramway system, the maintenance of order on the tramway system and on the Executive's premises or other facilities provided in connection with the tramway system, and the conduct of all persons, including officers and servants of the Executive, while on those premises.
- (2) Without prejudice to the generality of subsection (1) above, byelaws under this section may contain provisions—
  - (a) with respect to tickets issued for travel on the tramway system, the payment of fares and charges and the evasion of payment of fares and charges;
  - (b) with respect to interference with, or obstruction of, the working of the tramway system or other facilities provided in connection with the tramway system;
  - (c) for prohibiting or regulating the carriage of dangerous goods on the tramway system;
  - (d) with respect to the use of tobacco or other substances and the prevention of nuisances;
  - (e) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within premises of the Executive forming part of the tramway system, not being premises within the boundary of any road;
  - (f) for the safe custody and re-delivery or disposal of property found in premises of the Executive forming part of, or provided in connection with, the tramway system, or elsewhere on the tramway system and for fixing the charges which may be made in respect thereof; and
  - (g) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any authorised railway, or in premises of the Executive forming part of the tramway system.

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- (3) Byelaws made under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding for each offence level 3 on the standard scale.
- (4) Without prejudice to the taking of proceedings under subsection (3) above, if the contravention of any byelaw having effect under this section is attended with danger or annoyance to the public, or hindrance to the Executive in the conduct of the tramway system, it shall be lawful for the Executive summarily to take action to obviate or remove the danger, annoyance or hindrance.
- (5) In subsection (4) above the reference to action to obviate or remove danger, annoyance or hindrance includes, in the case of a vehicle parked in any part of any premises provided in connection with the tramway system which is not a public highway, in contravention of any byelaw having effect under this section, action to fix to the vehicle a device or appliance for the purpose of preventing it from being driven or put in motion, together with a notice specifying the steps to be taken to secure the release of the vehicle from the device or appliance.
- (6) Subsections (5) to (11) of section 67 of the Transport Act 1962 (confirmation of byelaws) shall apply to any byelaws made by the Executive under this section as if for references to the board, or to the board in question, there were substituted references to the Executive.

## **60 Trams deemed public service vehicles**

- (1) On such day as may be appointed under subsection (2) below, regulations made, or having effect as if made, under section 25 or 60 (1) (k) of the Public Passenger Vehicles Act 1981 (regulation of conduct of passengers and lost property) shall have effect as if trams were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985.
- (2)
  - (a) The Executive may by resolution appoint a day for the purpose of any regulation mentioned in subsection (1) above, the day so appointed being fixed in accordance with paragraph (b) below.
  - (b) The Executive shall publish in a newspaper circulating in their area, notice—
    - (i) of the passing of any such resolution and of the day fixed thereby; and
    - (ii) of the general effect of the enactments for the purposes of which the day has been fixed;and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.
  - (c) A photostatic or other reproduction certified by the secretary of the Executive to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in paragraph (b) above shall be evidence of the publication of the notice and of the date of publication.

## **61 Intentional obstruction of works or operation of tramways**

- (1) Any person who, without reasonable excuse, intentionally obstructs another person in the laying out, construction, repair or renewal of any authorised work shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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- (2) Any person who, without reasonable excuse, intentionally—
- (a) removes or alters any part of a tramway;
  - (b) operates, moves, or tampers with, any mechanical or electrical apparatus forming part of a tramway; or
  - (c) places any obstruction on any part of a tramway or otherwise obstructs a tram on any tramway;
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## 62 For better prevention of trespass on railways

- (1) Any person who trespasses upon any railway lines or sidings or in any tunnel or upon any embankment, cutting or similar work forming part of any railway of the tramway system which is not designated as a tramway and which is sufficiently fenced to deter trespass, or upon any other lands of the Executive in dangerous proximity to any such lines or other works or to any electrical apparatus used for or in connection with the working of any such railway, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) No person shall be convicted of an offence under this section unless it shall be proved to the satisfaction of the court before which complaint is laid that public warning has been given to persons not to trespass upon the railways of the tramway system by notice clearly exhibited and maintained at the station on the tramway system nearest to the place where the offence is alleged to have been committed.

## 63 Modification of railway regulation enactments

In their application to the Executive and the tramway system the enactments specified in column (1) of the following table (which create the offences broadly described in column (2) of the table) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were, instead of that specified in column (3) of the table, a fine not exceeding the level specified in column (4) of the table.

THE TABLE

(1) Enactment	(2) Description of offence	(3) Maximum fine otherwise applicable (level on standard scale)	(4) Maximum fine (level on standard scale)
Section 16 of the Railway Regulation Act 1840.	Obstruction of officers of railway company or trespass upon railway.	Level 1.	Level 3.
Section 17 of the Railway Regulation Act 1842.	Misconduct of persons employed on railways.	Level 1.	Level 3.

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(1) Enactment	(2) Description of offence	(3) Maximum fine otherwise applicable (level on standard scale)	(4) Maximum fine (level on standard scale)
In section 5 of the Regulation of Railways Act 1889—			
Subsection (1)	Failure to produce ticket, to pay fare or to give name and address.	Level 1.	Level 2.
Subsection (2)	Travel with intent to avoid payment of fare.	Level 2.	Level 3.

### *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.
- (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.

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## **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.
- (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—



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- (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.
- (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.

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- (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).