Greater Nottingham Light Rapid Transit Act 1994

1994 CHAPTER xv

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Greater Nottingham Light Rapid Transit Act 1994.

2 Interpretation

(1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, and—

"the Act of 1845" means the Railways Clauses Consolidation Act 1845;

"the Act of 1965" means the Compulsory Purchase Act 1965;

"the Act of 1991" means the New Roads and Street Works Act 1991;

"the Act of 1993" means the Railways Act 1993;

"the authorised railways" means the railways authorised by this Act, including, where the context so admits, any railway adapted for use as part of the LRT system under section 17 (Agreements with British Railways Board) of this Act;

"the authorised works" means the works (including railways) authorised by this Act;

"the City" means the City of Nottingham;

"the City Council" means the Nottingham City Council;

"the County Council" means Nottinghamshire County Council;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

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"existing" means existing at the commencement of this Act;

"land" includes land covered by water, any interest in land and any easement or right in, to or over land;

"the limits of deviation" mean the limits so shown on the deposited plans and, where, in the case of a work in any street, no such limits are shown for that work, the boundaries of the street (including any verge or roadside waste adjoining it);

"the LRT system" means the light rail transit system comprising the authorised railways including such railways designated as tramways, and all works and conveniences provided in connection with any of those railways, as that system is constructed, extended or altered from time to time;

"the railways board" means the British Railways Board or, as the case may require, any person who pursuant to the Act of 1993 succeeds (whether before or after the date of this Act) to any functions of the British Railways Board, or any other person who derives title to any property from the British Railways Board or such successor and holds that property for railway purposes;

"the rivers authority" means the National Rivers Authority;

"statutory undertakers" means any of the following, namely a licence holder within the meaning of Part I of the Electricity Act 1989, a public gas supplier within the meaning of Part I of the Gas Act 1986, a sewerage undertaker or a water undertaker;

"street" has the meaning given by section 329 of the Highways Act 1980 and in sections 19 to 22 of this Act includes a bridleway, cycle track or footpath as defined in the said section 329;

"telecommunication system" has the meaning given by section 4 of the Telecommunications Act 1984;

"traffic sign" has the meaning given by section 64 of the Road Traffic Regulation Act 1984;

"tramcar" means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels on any railway forming part of the LRT system;

"tramway" means any railway, or any part of a railway, authorised by this Act and thereby designated as a tramway;

"the tribunal" means the Lands Tribunal;

"the undertakers" means the County Council and the City Council or either of them.

(2) In the case of any street in relation to which an order made under section 249 (2) of the Town and Country Planning Act 1990 (a pedestrian planning order) is in force, the kerbline of the street, where there is no kerb, shall be taken to be the edge of the part of the street on which the passage of vehicles is permitted.

(3) Unless the context otherwise requires, any reference in this Act to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Act.

(4) References in this Act to points identified by letters, with or without numbers, shall be construed as references to the points so marked on the deposited plans.

(5) (a) Except as mentioned in paragraph (b) below, all distances and lengths stated in any description of works, powers or lands shall be construed as if the words "or thereabouts" were inserted after each such distance and length, and

distances between points on a railway shall be taken to be measured along the railway.

(b) This subsection does not apply to distances or lengths stated in the following provisions of this Act:—

section 13 (Power to deviate);

section 15 (Gauge of railways and restrictions on working);

paragraph (7) of section 45 (For protection of certain statutory undertakers).

(6) Any reference in this Act to rights over land includes reference to the right to do, or to place and maintain, anything in, on or under the land, or in the air space above its surface.

(7) References in this Act to access to any place include egress from that place.

3 Incorporation and application of enactments relating to railways

(1) The following enactments, so far as they are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of those enactments:—

the Act of 1845 (except sections 7 to 9, 11 to 15, 17, 19, 20, 22, 23, 47 to 62, 94, 95 and 115 to 124); and

section 4 of the Railways Clauses Act 1863.

(2) In the enactments incorporated by subsection (1) above—

(a) the expression "the company" means the undertakers; and

(b) sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the undertakers and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by—

(i) Part III of the Act of 1991; or

(ii) section 45 (For protection of certain statutory undertakers)

of this Act;

(c) the reference in section 34 of the Act of 1845 to notice under section 33 of that Act shall include a notice under section 34 of this Act; and

(d) in section 4 of the said Act of 1863, the words "and subject to the limitations contained in sections eleven, twelve and fifteen of those Acts respectively," and the proviso shall be omitted.

(3) Notwithstanding anything in section 46 of the Act of 1845, as incorporated by subsection (1) above, or in any other enactment, the undertakers may carry any of the authorised railways, not being designated as a tramway, across and on the level of any footpath without obtaining the consent of two or more justices.

(4) The following enactments shall not apply to the LRT system:—

the Highway (Railway Crossings) Act 1839;

in the Railway Regulation Act 1842, sections 9 and 10;

in the Regulation of Railways Act 1868, section 22;

in the Regulation of Railways Act 1889, sections 1 to 4 and 8;

in the Road and Rail Traffic Act 1933, section 42.

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4 Application of Street Works Acts and Road Traffic Regulation Act 1984

(1) In relation to so much of the authorised works as would, if executed by the highway authority, be works for road purposes or major highway works within the meanings given by section 86 of the Act of 1991, Part III of that Act shall have effect as if the undertakers were the highway authority.

(2) Part III of the Act of 1991 shall not extend to regulate the relations between the undertakers and a highway authority in respect of any matter or thing concerning which those relations are regulated by section 39 (As to highways, traffic, etc.) of this Act.

(3) Section 45 (17) (b) (betterment arising on provision of alternative apparatus for statutory undertakers) of this Act shall have effect notwithstanding the repeal by the Act of 1991 of the Public Utilities Street Works Act 1950.

(4) Section 14 of the Road Traffic Regulation Act 1984 (temporary restriction or prohibition of the use of roads by vehicles in certain circumstances) shall apply to tramcars used on tramways forming part of the LRT system.

(5) Section 65 (1) of the Road Traffic Regulation Act 1984 (placing of traffic signs by highway authorities) shall have effect with respect to the erection and display of any traffic sign by the undertakers as if it were a traffic sign erected and displayed by the traffic authority.

5 Application of Part I of Compulsory Purchase Act 1965

(1) Part I of the Act of 1965 (except section 4 and paragraph 3 (3) of Schedule 3), in so far as it is applicable for the purposes and is not inconsistent with the provisions of this Act, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

(2) Section 11 (1) of the Act of 1965 (which relates to notice of entry) as so applied shall have effect as if for the word “fourteen” there were substituted, in respect of the lands over which rights only are required, the word “twenty-eight” and, in the case of any other lands, the word “ninety-one”.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.