



Greater Nottingham Light Rapid Transit Act 1994

1994 CHAPTER xv

PART VI

MISCELLANEOUS AND GENERAL

noise insulation

57 Insulation against noise

- (1) The undertakers shall make a scheme providing for the making of grants towards the cost of insulating buildings, or such classes of buildings as the undertakers may think fit, or any parts of any such buildings, against noise caused, or expected to be caused, by the use of the LRT system.
- (2) (a) A scheme under subsection (1) above shall in particular require the undertakers to make grants towards the cost of insulating any habitable room comprised in a residential building if noise caused by the use of the LRT system and audible within that room habitually exceeds either of the levels specified in column (2) of the following table between the hours specified in relation to that level in column (1) of the table; but nothing in this paragraph shall preclude the undertakers from including in a scheme under subsection (1) above provisions authorising them to make grants at their discretion towards any other cost falling within that subsection.

TABLE

Hours (1)	Noise level (dB(A) – LAeq) (2)
Between 0700 hours and 2300 hours on any day	68

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Hours (1)	Noise level (dB(A) – LAeq) (2)
Between 2300 hours on any day and 0700 hours on the following day	63

- (b) In this subsection “habitable room” means a room which could reasonably be lived in or slept in and includes a living room, a dining room, a kitchen and a bedroom, but excludes a bathroom, a water-closet, a staircase, corridor or landing, a cloakroom, a utility room and an outhouse.
- (c) The following provisions of this section are without prejudice to this subsection and in particular, but without prejudice to the generality of the foregoing, an application for a grant for which provision is made by this subsection shall not be invalid by reason of the fact that it is not made on the date specified in accordance with subsection (4) (d) below if it is made during a period beginning with the opening to the public of the part of the LRT system to which the application relates and ending five years thereafter.
- (3) The undertakers may make grants in accordance with a scheme made under subsection (1) above.
- (4) 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 (6) below, for the submission of a valid application for a grant; and
 - (e) shall require the undertakers, 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.
- (5) 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.
- (6) (a) As soon as may be after the making of a scheme under this section the undertakers 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 undertakers or some other person authorised by the undertakers 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.

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58 Orders for insulating new buildings

- (1) Where the undertakers have made a scheme under section 57 (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 undertakers 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 undertakers.
- (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 undertakers 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.
- (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, extension 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 the said 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

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- (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.
- (11) The Secretary of State may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this section, and section 250 (2) to (5) of the Local Government Act 1972 shall apply to any such inquiry.

59 Repeal of sections 57 and 58

- (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 57 (Insulation against noise) and 58 (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 may contain such transitional, consequential and saving provisions as may be appropriate.
- (3) Subsection (11) of section 58 (Orders for insulating new buildings) of this Act shall apply to the functions of the Secretary of State under this section as it applies to his functions under that section.
- (4) An order under this section shall be made by statutory instrument and shall not be made except on application by the undertakers.

Prevention of obstacles

60 Removal of obstructions

- (1) If any obstruction to traffic on the LRT 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 undertakers 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 LRT system unless he shows that he was not concerned in, or aware of, the vehicle being put or left in that place at that time; and
 - (ii) the person by whom the vehicle was put or left in the place in which it became an obstruction to traffic on the LRT system; and
 - (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 vehicle being put or left,

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- or as the case may be, being in the place at which the load fell from it; and
- (ii) the person in charge of the vehicle at the time when the load fell from it.

61 Power to lop trees overhanging railway

- (1) The undertakers may cut and lop any trees in or near any railway forming part of the LRT 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 tramcars and their passengers.
- (2) In exercising the powers of this section the undertakers shall do no unnecessary damage to trees and shall pay compensation to any person who may sustain damage by reason of the exercise of the powers.
- (3) Every case of compensation under subsection (2) above shall be ascertained in accordance with Part I of the Land Compensation Act 1961.

Public order

62 Byelaws relating to LRT system

- (1) The undertakers may make byelaws regulating the use of and, working of, and travel on, the LRT system, the maintenance of order on the LRT system and on the undertakers' premises or other facilities provided in connection with the LRT system and the conduct of all persons including officers and servants of the undertakers 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 LRT 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 LRT system or other facilities provided in connection with the LRT system;
 - (c) for prohibiting or regulating the carriage of dangerous goods on the LRT system;
 - (d) regulating the use of vehicles (other than tramcars) on any road along which a tramway is laid;
 - (e) with respect to the use of tobacco or other substances and the prevention of nuisances;
 - (f) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within railway premises of the undertakers, not being premises within the boundary of any street;
 - (g) for the safe custody and re-delivery or disposal of property found in premises of the undertakers forming part of, or provided in connection with, the LRT system, or elsewhere on the LRT system and for fixing the charges which may be made in respect thereof; and
 - (h) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any authorised railway, or in premises of the undertakers forming part of the LRT 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 undertakers in the conduct of the LRT system, it shall be lawful for the undertakers 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 LRT 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 undertakers under this section as if for references to the board, or to the board in question, there were substituted references to the undertakers.

63 Tramcars on LRT system 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 sections 24, 25, 26 or 60 (1) (j) or (k) of the Public Passenger Vehicles Act 1981 shall have effect as if the tramcars used on the LRT system were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985.
- (2)
 - (a) The undertakers 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 undertakers 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 undertakers 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.

64 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 tramcar 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.

65 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 viaduct, bridge embankment, cutting or similar work forming part of any railway of the LRT system which is not designated as a tramway and which is sufficiently fenced to deter trespass, or upon any other lands of the undertakers 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 LRT system by notice clearly exhibited and maintained at the station on the LRT system nearest to the place where the offence is alleged to have been committed.

66 Modification of railway regulation enactments

- (1) In their application to the undertakers and the LRT 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

Enactment	Description of offence	Maximum fine otherwise applicable (level on standard scale)	Maximum fine (level on standard scale)
(1)	(2)	(3)	(4)
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	Misconduct of persons employed on railways.	Level 1.	Level 3.

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Enactment	Description of offence	Maximum fine otherwise applicable (level on standard scale)	Maximum fine (level on standard scale)
(1)	(2)	(3)	(4)
Regulation Act 1842. 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.

- (2) In its application to the undertakers and the LRT system subsection (2) of section 5 of the said Act of 1889 (power to arrest passenger who fails to produce ticket and refuses to give his name and address) shall have effect as if in subsection (2) after the word “refuses” there were inserted the words “or fails”.

Other provisions

67 Power to contract for police

- (1) The undertakers may from time to time make agreements with the chief officer of police and a police authority for the employment by the undertakers of any members of the police establishment of that police authority for police duty within railway premises of the undertakers or elsewhere upon the LRT system or any part of the LRT system.
- (2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the undertakers may agree with the police authority.
- (3) In this section “police authority” includes—
 - (a) a police authority within the meaning of the Police Act 1964; and
 - (b) the railways board.

68 Power to operate LRT system and charge

- (1) The undertakers may operate and use the LRT system for the carriage of passengers and goods.
- (2) The undertakers may demand, take and recover such charges for the use of the LRT 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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69 Arrangements with other operators

- (1) The undertakers may enter into and carry into effect agreements with other persons providing public passenger transport services with regard to the issue of travel cards and the making of through ticketing arrangements.
- (2) In this section “public passenger transport service” has the meaning given by section 63 (10) (a) of the Transport Act 1985.

70 Power to form companies, etc

The undertakers may form and promote, or join with any other person in forming and promoting, a company for carrying on any activities which the undertakers have power to carry on under this Act.

71 Powers of disposal, agreements for operation, etc

- (1) The undertakers 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 LRT system or the right to operate the LRT system under this Act, to any person, including Greater Nottingham Rapid Transit Limited or any company formed under section 70 (Power to form companies, etc.) of this Act.
- (2) Without prejudice to the generality of subsection (1) above, the undertakers may enter into and carry into effect agreements with any person, including Greater Nottingham Rapid Transit Limited or any company formed under section 70 (Power to form companies, etc.) of this Act with respect to any of the following matters, namely, the construction, maintenance, use and operation of the LRT system, or any part or parts of that system, by any such 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 undertakers or any such person.
- (3) Any agreement under subsection (2) above may provide (inter alia) for the exercise of the powers of the undertakers in respect of the LRT system or any part or parts thereof, and for the transfer to any person of the LRT system or any part or parts thereof together with the rights and obligations of the undertakers 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, or under any agreement or undertaking concerning the exercise of the powers of this Act, if those powers were exercised by the undertakers.
- (5) The railways board may enter into and carry into effect agreements with the undertakers under subsection (2) above.

72 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 LRT system or the right to operate the same under section 71 (1) of this Act or any agreement entered into by the undertakers with any person for the construction, maintenance, use or operation of the LRT system, or any part of that system under section 71 (2) of this Act, so far as any such agreement relates to the terms on which

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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—
 - (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.

73 Substitute road services

- (1) The undertakers may provide or secure the provision by other persons of services for the carriage of passengers by road (“substitute services”) where the LRT system has been temporarily interrupted, curtailed or discontinued.
- (2) The route, frequency and stopping places of any substitute service need not correspond with the route of the interrupted, curtailed or discontinued service.
- (3) Section 6 of the Transport Act 1985 shall not apply to any substitute services.

74 Advisory committee

- (1) The undertakers shall establish a committee to be known as the Greater Nottingham Light Rapid Transit Advisory Committee (“the advisory committee”) to advise the undertakers as regards the construction and operation of the LRT system.
- (2) Before making appointments to the advisory committee the undertakers shall consult the Rail Users' Consultative Committee for the time being established under section 2 (2) of the Act of 1993 for the area where the LRT system is situated.
- (3) It shall be the duty of the advisory committee to consider representations made to them as regards the construction and operation of the LRT system by members of the public.

75 Disapplication of enactment

Section 21 (For the protection of the Corporation of Nottingham) of the Manchester, Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893 shall not apply to any of the authorised works.

76 Forest Recreation Ground

- (1) In this section—

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“the car park” means the interchange car park and associated facilities to be provided pursuant to section 26 of, and Schedule 4 to, this Act on the lands in the City numbered 192 on the deposited plans;

“the designated works” means so much of Works Nos. 2E, 3A and 3B as is situated on the relevant land;

“the particular purpose” means the provision of the car park; and

“the relevant land” means so much of the lands in the City numbered 192 on the deposited plans as is not required for Work No. 2J.

- (2) Nothing in this Act shall authorise the undertakers to acquire any part of the relevant land for the particular purpose but the City Council may make the relevant land or any part thereof available to the undertakers for the particular purpose on the terms specified in subsection (3) of this section.
- (3) The terms to which this subsection applies are such terms as the City Council considers appropriate and shall in particular include provisions such as are referred to in Schedule 6 to this Act.
- (4) If at any time after the opening to traffic of the designated works the undertakers cease to operate any part of those works with the intention that that cessation shall be permanent, they shall as soon as reasonably practicable, unless otherwise agreed with the City Council—
 - (a) remove the rails and any other works, equipment and apparatus which have become redundant; and
 - (b) restore, to the reasonable satisfaction of the City Council, the relevant land to as good a condition as that in which it was before the making of the designated works.
- (5) Following the completion of any restoration pursuant to subsection (4) (b) above so much of the relevant land as is so restored shall continue to be held by the City Council as though this Act had not been passed.

77 Fencing of railways

Nothing in this Act or any other enactment shall require the undertakers to fence—

- (a) so much of the authorised railways as is constructed in or adjoining the Forest Recreation Ground; or
- (b) any other portion of the authorised railways which, not being designated as a tramway, adjoins any public open space or other unenclosed land.

78 Level crossings at Basford Vernon

- (1) In this section—

“the additional David Lane crossing” means the level crossing authorised to be provided by the undertakers adjoining the existing David Lane crossing pursuant to section 9 of this Act, whereby Work No. 7 will be carried over David Lane, Basford Vernon;

“the board’s new level crossing” means the new level crossing authorised to be provided by the railways board at Basford Vernon pursuant to the relevant section;

“the existing David Lane crossing” means the existing David Lane level crossing as defined in the relevant section;

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“the new road” means the new road referred to in the relevant section;

“the northern crossings” means the board’s new level crossing and the undertakers' new level crossing;

“the relevant section” means section 21 of the British Railways Act 1990;

“the southern crossings” means the additional David Lane crossing and the existing David Lane crossing;

“the undertakers' new level crossing” means the new level crossing authorised to be provided by the undertakers adjoining the board’s new level crossing pursuant to section 9 of this Act, whereby Work No. 7 will be carried over the new road.

- (2) (a) This subsection shall apply if, at the date when the undertakers are ready to carry Work No. 7 over David Lane by the additional David Lane crossing, the board’s new level crossing has not been completed and opened for public use.
- (b) If this subsection applies, then, notwithstanding anything in the relevant section, the extinguishment of all rights of way over the existing David Lane crossing pursuant to the relevant section shall not take effect until—
- (i) both the board’s new level crossing and the undertakers' new level crossing have been completed and opened for public use; and
- (ii) the County Council determine that the existing David Lane crossing and the additional David Lane crossing shall be closed.
- (c) Upon the extinguishment, as from the completion and opening for public use of the board’s new level crossing, of all rights of way over the existing David Lane crossing pursuant to subsection (4) of the relevant section (as that section has effect subject to paragraph (b) above) all rights of way over the additional David Lane crossing shall also be extinguished.
- (3) (a) This subsection shall apply if—
- (i) before the date when the undertakers are ready to carry WorkNo. 7 over David Lane, the board’s new level crossing has been completed and opened for public use; and
- (ii) the County Council and the railways board have not entered into an agreement pursuant to subsection (4) below whereby both the northern crossings and the southern crossings shall be kept open for public use.
- (b) If this subsection applies—
- (i) the undertakers shall not be required to provide the additional David Lane crossing; and
- (ii) all rights of way over so much of David Lane as is required for Work No. 7 shall be extinguished as from the completion and opening for public use of the board’s new level crossing.
- (4) Notwithstanding anything in the foregoing provision of this section or in the relevant sections the County Council and the railways board may enter into and carry into effect agreements whereby both the northern crossings and the southern crossings shall be kept open for public use.

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79 Restoration of streets if tramway discontinued

If the undertakers 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.

80 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 undertakers.

81 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)—

- (a) in the case of a difference under section 40 (Approval of plans by local authorities, etc.) relating to works in the Forest Recreation Ground, by the President of the Landscape Institute;
- (b) in the case of any other difference arising under the said section 40, by the President of the Royal Town Planning Institute following consultation with the President of the Royal Institute of British Architects;
- (c) in any other case, by the President of the Institution of Civil Engineers.

82 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.
- (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

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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).