



Croydon Tramlink Act 1994

1994 CHAPTER xi

PART II

WORKS

16 Agreements with British Railways Board

(1) In this section—

“the affected properties” means any land described in the deposited book of reference which is owned by the railways board or in which the railways board have an interest; and

“the specified works” means so much of Works Nos. 1, 1A, 1B, 1C, 1D, 2, 2A, 3, 3A, 7, 8 and 9 as will be constructed under, on or over any of the affected properties.

(2) Any work of alteration or adaptation of property of the railways board which may be necessary in order to construct the specified works and thereafter, the use, maintenance, repair and renewal of such property and of the specified works shall be carried out and regulated by the Corporation or the railways board, or by the Corporation and the railways board jointly, in accordance with such terms and conditions as may be agreed in writing between the Corporation and the railways board.

(3) (a) Any agreement made under this section may relate to the whole or part of the affected properties and may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—

(i) with respect to the defraying of, or the making of contributions towards, the cost of such works of alteration or adaptation or the costs of such maintenance, repair and renewal as are referred to in subsection (2) above by the Corporation or by the railways board or by the Corporation and railways board jointly; and

(ii) for the exercise by the railways board, or by the Corporation, or by the railways board and the Corporation jointly, of all or any of the

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- powers and rights of the railways board and the Corporation (as the case may be) in respect of any part of the specified works under any enactment or contract.
- (b) The exercise by the Corporation or the railways board or by the Corporation and the railways board jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (a) above shall be subject to all statutory and contractual provisions relating thereto as would apply if such powers and rights were exercised by the Corporation or the railways board (as the case may be) alone, and accordingly such provisions shall with any necessary modifications, apply to the exercise of such powers and rights by the Corporation or the railways board, or by the Corporation and the railways board jointly, as the case may be.
- (4) In constructing the specified works the Corporation may, on such terms as shall be agreed with the railways board, re-align so much of the railways board's railway as lies within the limits of deviation of those works in such position and on such terms as shall be agreed between the Corporation and the railways board.
- (5) The Corporation and the railways board may enter into, and carry into effect, agreements for the transfer to the Corporation of—
- (a) any part of the affected properties,
 - (b) any lands, works or other property held in connection with any part of the affected properties, and
 - (c) any rights and obligations (whether or not statutory) of the railways board relating to any part of the affected properties.
- (6) Where agreement is made for the transfer to the Corporation of any railway or former railway comprised within the affected properties under subsection (5) above, the Corporation may adapt for use, maintain, use and work that railway as part of Tramlink in accordance with the provisions of the Act of 1845 and the Railways Clauses Act 1863 incorporated with this Act and the provisions of the Railway Regulation Acts 1840 to 1889 applicable to Tramlink.