



Greater Nottingham Light Rapid Transit Act 1994

1994 CHAPTER xv

PART II

WORKS

6 Power to make works

- (1) Subject to the provisions of this Act, the undertakers may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works specified in Part I of Schedule 1 to this Act, with all necessary works and conveniences connected therewith.
- (2) Notwithstanding anything in this Act or shown on the deposited plans or the deposited sections, but without prejudice to the provisions of section 13 (Power to deviate) of this Act, the undertakers may, subject to the approval of the Secretary of State, construct the whole or part of so much of Work No. 9 as is to be situated to the west of Bagnall Road within the limits of deviation in accordance with dimensions and descriptions other than the dimensions and descriptions shown on the deposited plans and the deposited sections or specified in Part I of Schedule 1 to this Act.

7 Further works and powers

- (1) Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels so shown), the undertakers may exercise the powers, and make and maintain the further works, described in Part II of Schedule 1 to this Act, with all necessary works and conveniences connected therewith.
- (2) Without prejudice to the specific powers conferred by subsection (1) above, for the purposes of constructing or maintaining the authorised railways in or adjoining any street, the undertakers may, with the consent of the highway authority—

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- (a) increase the width of the carriageway of the street by reducing the width of any footway, cycle track or verge or other land within the boundary of the street;
 - (b) alter or interfere with the level of any kerb, footway, cycle track, verge or other land within the boundary of the street; or
 - (c) at any stopping place on a tramway reduce the width of the carriageway of the street by forming a reserved area in the street or by setting forward the kerbline of the street and providing access for vehicles to adjoining premises and a footway on the side of that kerbline nearest to those premises.
- (3) Where the carriageway, or part of the carriageway, of any street in which a tramway is laid is of sufficient width to provide not less than 3 metres of width for vehicular traffic clear of the tramway path (as determined in accordance with the clearance required by the Secretary of State), the undertakers may, with the consent of the highway authority, carry out such works as may be required to deter, but not prevent, the passage of vehicular traffic along the tramway, whether by raising or lowering the level of the part of the carriageway occupied by the tramway path above or below the level of the adjoining carriageway or by placing a kerb or other obstruction along the edge of that adjoining carriageway.
- (4) (a)
- Subject to the provisions of this Act, the undertakers may—
- (i) lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways, either when constructing it or at any time thereafter, and construct or take up and reconstruct any such tramway or associated work in such position in the street or land in which it is authorised to be constructed as they think fit; and
 - (ii) make, maintain, alter and remove such crossings, passing places, sidings, junctions and other works, in addition to those specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the LRT system, for the purposes of the control of traffic or for providing access to any premises.
- (b) The powers of paragraph (a) above shall not be exercised in any street which is a highway without the consent of the highway authority.
- (5) (a)
- When, by reason of the carrying out of any work affecting any road along or across which any tramway is laid, it is, in the opinion of the undertakers, necessary or expedient temporarily to remove or discontinue the use of that tramway, or any part thereof, the undertakers may, with the consent of the highway authority, construct and maintain, in the same or any adjacent road, a temporary tramway in lieu of the length of tramway so removed or discontinued.
- (b) If the undertakers alter the route of a tramway under paragraph (a) above, they shall, in accordance with section 8 (2) of this Act, provide traffic signs to give warning of such alteration and any associated traffic arrangements.
- (6) Notwithstanding anything in section 68 of the Act of 1845, where any part of a railway is constructed on any verge or roadside waste comprised in a road, the undertakers shall not be required to fence that part of that railway.

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8 Provisions as to tramways

- (1) The tramways shall be so laid and maintained that—
- (a) except as provided in section 7 (3) of this Act, the uppermost surface of the rails is level with the surrounding surfaces of the street in which they are laid; and
 - (b) the distance between the sides of the widest tramcars to be used on the tramways when passing one another thereon shall not be less than 380 millimetres (15 inches).

(2) (a)

On completion of any tramway the undertakers shall provide traffic signs to give warning to other traffic of the presence of the tramway.

- (b) Subject to any directions and any other requirements given or imposed by the Secretary of State with respect to such a traffic sign, the places at which the traffic signs are displayed shall be such as may be approved by the highway authority.

(e) (a)

Where a tramway has been constructed in a street in such manner that—

- (i) the uppermost surface of the rails is level with the surface of the street; or
 - (ii) the level of the width of the carriageway occupied by the tramway path is altered as provided in section 7 (3) of this Act; works for the purpose, or having the effect, of altering the level of the part of the street in which the tramway is situated shall not be carried out without the consent of the undertakers.
- (b) Consent under paragraph (a) above may be given subject to such reasonable terms and conditions as the undertakers may require, but shall not be unreasonably withheld, and any difference arising under this paragraph shall be determined by the Secretary of State.

9 Level crossings

- (1) The undertakers may, in the construction of the railways authorised by this Act, carry the same with a double line across and on the level of the streets, footpaths, cycleways and other ways specified in Schedule 2 to this Act.
- (2) In the exercise of the powers of subsection (1) above, the undertakers may alter or interfere with the level of any footway or cycleway upon which any railway or associated work is to be laid.

10 Subsidiary works

- (1) Subject to the provisions of this Act the undertakers may, for the purposes of the LRT system and associated traffic control—
- (a) within the limits of deviation make, lay down, place, erect, repair, alter, renew, maintain, operate and use rails, rail fixings, plates, sleepers, channels, conduits, tubes, stations, platforms, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent cross-overs, passing places, pillars, posts, poles, brackets, wires, subways, manholes, shafts, engines, dynamos, substations, transformers, switchgear, cabling, signalling,

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monitoring and communications equipment, together with subsidiary and incidental machinery, apparatus, works and appliances;

- (b) in, or under any street in which it may be necessary or convenient, or in other land over which the undertakers have or obtain sufficient right, lay, place, erect, maintain, renew and repair electric wires, conductors, cables, brackets, posts, tubes, substations, boxes and other electrical apparatus for connecting the authorised railways and associated works with any electricity generating station or substations or for the purposes of signalling, monitoring and communication in connection with the LRT system; and
- (c) alter the position of mains, sewers, cables and other apparatus.

(2) (a)

For the purposes of exercising their powers under subsection (1) above in relation to any apparatus or works, or of inspecting or removing apparatus or works, the undertakers may break open any road, and any sewer, drain or tunnel in or under any road, and may remove and use the soil or other materials in or under the road.

- (b) In exercising their powers under this subsection the undertakers shall do as little damage as may be, and for any damage done shall (in so far as the matter of compensation is not governed by the provisions of Part III of the Act of 1991) pay compensation to be determined, in case of dispute, in accordance with Part I of the Land Compensation Act 1961.

11 Footpaths and cycleways at Cinderhill

Notwithstanding anything shown on the deposited plans and sections the undertakers, if they proceed with the construction of Work No. 9—

- (a) shall not stop up and discontinue so much of the footpath and cycleway at Cinderhill in the City as is between the points marked H1 and H2 on the deposited plans, but shall lower the surface thereof between those points to such extent as will enable pedestrians and cyclists to use the said footpath and cycleway where it is crossed by the bridge over the river Leen comprised in Work No. 9;
- (b) shall lay out the new footpath and cycleway authorised by section 7 (Further works and powers) of, and paragraph (33) of Part II of Schedule 1 to, this Act with convenient ramps for use by pedestrians and cyclists.

12 Provision of accommodation for apparatus

Where the undertakers lay down conduits for the accommodation of cables or other apparatus for the purposes of the LRT system or associated traffic control under section 10 above, they may, in pursuance of those powers, provide in, or in connection with, such conduits accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between the undertakers and such other person.

13 Power to deviate

In the execution of the authorised works the undertakers may, except as may be otherwise provided by this Act, deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and deviate vertically

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from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

14 Plans to be approved by Secretary of State before works commenced

- (1) Before constructing any of the authorised railways the undertakers shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals concerning—
 - (a) permanent way, track or stations;
 - (b) signalling; and
 - (c) lighting.
- (2) Any such works shall be constructed and maintained in accordance with such plans, sections and particulars approved by the Secretary of State.

15 Gauge of railways and restrictions on working

- (1) The railways shall be constructed on a gauge of 1,435 millimetres (4 feet 8½ inches) and the motive power to be used shall be electrical energy or such other motive power as the Secretary of State may approve.
- (2) No part of the LRT system shall be used for, or in connection with, the conveyance of passengers without the written permission of the Secretary of State and the undertakers shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the LRT system.
- (3) If, without reasonable excuse, the undertakers contravene the provisions of subsection (2) above they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) Without prejudice to the generality of subsection (2) above, traction cables of the overhead line equipment of any tramway, and of so much of any authorised railway as is comprised in any level crossing shall be erected at a height agreed by the Secretary of State and, if at any place a height of less than 5.63 metres (18 feet 6 inches) above the surface of the ground is so agreed for a cable, the undertakers shall, in accordance with section 8 (2) of this Act, erect such traffic signs as may be directed by the Secretary of State to give warning of the cable.

16 Operation and use of tramways

- (1) Subject to subsection (3) below and to section 71 (Powers of disposal, agreements for operation, etc.) of this Act, the undertakers shall, for the purpose of operating the tramways, have the exclusive right to use the rails, foundations, cables, masts, overhead wires and other apparatus provided for their operation.
- (2) Any person who, without the consent of the undertakers or other reasonable excuse, uses any tramway, or other apparatus mentioned in subsection (1) above, for the passage of vehicles having wheels suitable only for running on the rails of such tramways shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Nothing in this section shall restrict the exercise of any public right of way over any part of a road in which a tramway, or other apparatus mentioned in subsection (1)

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above, is situated except to the extent to which the exercise of that right is constrained by—

- (a) the presence of the tramway or such other apparatus; or
- (b) the exercise of the powers of section 7 (3) of this Act.

17 Agreements with British Railways Board

- (1) The undertakers and the railways board may enter into, and carry into effect, agreements for the transfer to, and vesting in, the undertakers of any or any part of the existing railways of the railways board within or adjoining the limits of deviation of the authorised works, together with all lands and other property held in connection with that railway and all rights and obligations of the railways board in relation to that railway.
- (2) Where agreement is made for the transfer to, and vesting in, the undertakers of any existing railway of the railways board under subsection (1) above, or the undertakers otherwise acquire any such existing railway or sufficient rights therein, the undertakers may adapt for use, maintain, use and work that railway as part of the LRT system 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 the LRT system.
- (3) Any enactment by which any such existing railway was authorised, including the enactments specified in Schedule 3 to this Act, shall have effect subject to the provisions of this Act.
- (4) The provisions of sections 54 and 56 of the Transport Act 1962 (advance notice of discontinuance of certain services to be published and functions of transport consultative committees) and of sections 37 to 50 of, and Schedule 5 to, the Act of 1993 (closure of railway passenger services, passenger networks, etc.) shall not apply in respect of the discontinuance of any existing railway passenger services from any station or on any line or, as the case may be, the discontinuance of any railway passenger or goods services provided by the railways board, where such discontinuance is for the purposes of, or in connection with, the construction of the authorised works or the transfer of any parts of the existing railways to form part of the LRT system.

18 Temporary stoppage of highways

- (1) During and for the purpose of the execution of the authorised works, the undertakers may temporarily stop up and interfere with the whole or any part of any street to the extent of the limits of deviation, or, if different, the limits of land to be acquired or used shown on the deposited plans, and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land, house or building abutting on the said part of the street, from passing along and using the same.
- (2) The undertakers shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

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19 Stopping-up streets and footpaths without providing substitute

- (1) After the stopping up of any part of any street under this Act, other than under section 18 (Temporary stoppage of highways) of this Act, without the provision of a substitute, all rights of way over or along the street, or portion thereof, authorised to be stopped up shall be extinguished and the undertakers may, without making any payment therefor, but subject to the provisions of the Act of 1845 incorporated with this Act with respect to mines lying under or near the railways, appropriate and use for the purposes of their undertaking the site of the street or portion thereof, so stopped up.
- (2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the undertakers compensation to be determined in case of dispute by the tribunal.

20 Stopping-up streets and footpaths in case of diversion or substitution

- (1) Except as provided in section 18 of this Act, where this Act authorises the making of a new street, either by way of diversion of, or in substitution for, an existing street and the stopping-up of the existing street or portion thereof, the stopping-up shall not, in either case, take place until the highway authority are satisfied that the new street has been completed in accordance with their reasonable requirements and is open for public use or, in the case of any difference between the undertakers and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been determined by arbitration and the new street has been completed accordingly.
- (2) Before referring the matter to arbitration under this section the undertakers shall give to the highway authority 7 days' notice in writing of their intention to do so.
- (3) As from the completion of the new street to the satisfaction of the highway authority or, in the case of dispute, according to the decision of the arbitrator, all rights of way over or along the existing street, or portion thereof, authorised to be diverted or stopped-up shall be extinguished, and the undertakers may, without making any payment therefor, but subject to the provisions of the Act of 1845 incorporated with this Act with respect to mines lying under or near the railways, appropriate and use for the purposes of their undertaking the site of the street, or portion thereof, diverted or stopped-up so far as the same is bounded on both sides by lands in the possession of the undertakers.
- (4) Any person who suffers loss by the extinguishment of any private right under subsection (3) of this section shall be entitled to be paid by the undertakers compensation to be determined in case of dispute by the tribunal.

21 Provisions as to repair of streets, footpaths, etc

- (1) Any street, or portion thereof, made, diverted or altered under this Act shall, when completed, unless otherwise agreed, be maintained by and at the expense of the undertakers for a period of 12 months from its completion and at the expiration of that period shall be maintained by and at the expense of the highway authority.
- (2) The undertakers shall not, by reason of the obligation to maintain any street under subsection (1) above, be taken to be the street authority in relation to that street for the purposes of Part III of the Act of 1991.

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22 Underpinning of houses near works

The undertakers may, at their own expense, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 30 metres of any of the authorised works, and for that purpose the following provisions shall have effect:—

- (a) At least 28 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened:
- (b) Each such notice shall be served in manner prescribed by section 6 of the Acquisition of Land Act 1981 as if required to be served under that Act:
- (c) If any owner, lessee or occupier of any such house or building shall, within 21 days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration:
- (d) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the undertakers may, from time to time after the completion of such underpinning or strengthening, and during the execution of the authorised work in connection with which such underpinning or strengthening was done, or within five years after the opening for traffic of the authorised works, enter upon and survey such house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:
- (e) The undertakers shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which they may suffer by reason of the exercise of the powers of this section:
- (f) Nothing in this section shall affect liability to compensate under section 6 of the Act of 1845 or section 10 (2) of the Act of 1965 as incorporated or applied by this Act, or under any other enactment, except in so far as compensation is payable under paragraph (e) above:
- (g) Compensation payable under this section shall be determined, in case of dispute, in accordance with Part I of the Land Compensation Act 1961.

23 Use of sewers, etc., for removing water

- (1) The undertakers may use for the discharge of any water pumped or found during the construction of the authorised works any available stream or watercourse, or any sewer or drain of the relevant authority, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain.

(2) (a)

The undertakers shall not—

- (i) discharge any water into any sewer or drain vested in or under the control of the relevant authority except with the consent of that authority and subject to such terms and conditions as that authority may reasonably impose; or
 - (ii) make any opening into any such sewer or drain except in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority.
- (b) Consent to a discharge, or approval of plans submitted, under this subsection shall not be unreasonably withheld.

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(3) (a)

Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under this section into any controlled waters within the meaning given by section 104 of that Act as if this section were excluded from the reference to any local statutory provision mentioned in section 88 (1) (f) of that Act.

(b) In the exercise of their powers under this section the undertakers shall not damage or interfere with the bed of any watercourse forming part of a main river of the rivers authority or the banks thereof within the meaning of section 72 of the Land Drainage Act 1991.

(4) The undertakers shall take all such steps as may be reasonably required to secure that any water discharged under this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.

(5) Any difference arising between the undertakers and the rivers authority, sewerage undertaker or local authority, as the case may be, under this section shall be determined by arbitration.

(6) In this section “the relevant authority” means the City Council or any sewerage undertaker.

24 Attachment of brackets, etc., to buildings for purposes of works

(1) The undertakers may affix brackets, cables, wires and other apparatus required in connection with the LRT system to any building or structure: and for that purpose the provisions of subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing apparatus to buildings for street lighting) shall apply as if—

(a) the attachments therein mentioned included any such apparatus; and

(b) for the reference to the street lighting authority there were substituted reference to the undertakers.

(2) For the purpose of the provisions of the said section 45 applied by subsection (1) above, consent to the affixing of attachments to a building under subsection (2) of that section shall be deemed to have been withheld if no such consent is received by the undertakers before the expiration of the period of 56 days beginning on the date on which the undertakers serve on the owner of the building, in accordance with section 285 of the Public Health Act 1936, notice of an application for such consent.

25 Provisions as to use of electrical energy

The following provisions shall apply to the use of electrical energy for the purposes of the LRT system:—

(1) The undertakers shall employ either insulated returns or uninsulated metallic returns of low resistance.

(2) The undertakers shall take all reasonable precautions in designing, constructing, placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the LRT system so as to minimise the discharge of electrical currents into the ground and not—

(a) injuriously to affect by fusion or electrolytic action any electric lines or any gas or water pipes, or other metallic pipes, structures or substances; or

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- (b) injuriously to interfere with, or with the working of—
 - (i) any wire, line or apparatus from time to time used for the purpose of transmitting electrical energy or of any telecommunication system; or
 - (ii) the currents in any such wire, line or apparatus.
- (n) (a)

The Secretary of State may make regulations under this section for regulating the use of electrical energy for the operation of the LRT system, and the design, voltage, testing and working of the overhead equipment and return circuits of the LRT system, including regulations—

 - (i) for preventing injurious affection (by the discharge of electrical currents into the ground, fusion or electrolytic action) of electric lines or gas or water pipes or other metallic pipes, structures or substances; and
 - (ii) for minimising, so far as is reasonably practicable, interference with, and with the working of, electric wires, lines and apparatus, whether such apparatus does or does not use the earth as a return.
- (b) Before making regulations under this section the Secretary of State shall consult the undertakers and the statutory undertakers.
- (4) The undertakers shall be deemed to take all reasonable and proper precautions against interference with, or with the working of, any wire, line or apparatus if and so long as they use, at the option of the undertakers, either such insulated returns, or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with, and with the working of, the electric wires, lines and apparatus, as may be prescribed by the regulations; and in prescribing such means the Secretary of State shall have regard to the expense involved in relation to the protection afforded.
- (5) The provisions of this section shall not give any right of action in respect of injurious interference with, or with the working of, any electric wire, line or apparatus, or the currents therein, unless, in the construction, erection, maintaining and working of such wire, line and apparatus, all reasonable and proper precautions, including the use of an insulated return, have been taken to minimise injurious interference therewith, and with the currents therein, by or from other electric currents.
- (6) If any difference arises between the undertakers and any other person with respect to anything in the foregoing provisions of this section, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State, or, at his option by an arbitrator to be appointed by him, and the costs of such determination shall be in the discretion of the Secretary of State or the arbitrator as the case may be.
- (7) The power to make regulations conferred on the Secretary of State by this section shall be exercisable by statutory instrument.
- (8) In this section reference to an insulated return includes reference to a return by means of a combined neutral and earth cable which is covered by an insulated sheath suitable for protection against corrosion and is approved for use below ground by the Secretary of State for the purpose of any regulations relating to the supply of electricity.