



# Greater Manchester (Light Rapid Transit System) Act 1994

## 1994 CHAPTER vi

### PART II

#### FURTHER EXTENSION OF LIGHT RAPID TRANSIT SYSTEM

#### 4 Power to make works

- (1) Subject to the provisions of this Act, the Executive may make and maintain the works in the borough referred to in this section (together with all necessary works and conveniences connected therewith) in the lines or situations and according to the levels following (that is to say):—
- (a) as regards the substituted portion of Work No. 5, the line or situation delineated on the substituted plan and the level shown on the substituted section; and
  - (b) as regards the remainder of the works hereafter in this section described (except the portion of Work No. 5 for which the substituted portion of that work is substituted), the lines or situations delineated on the deposited plans and the levels shown on the deposited sections.
- (2) The works referred to in subsection (1) above are as follows:—
- Work No. 1 A tramroad 1,307 yards (1,196 metres) in length (double line) commencing by a junction with the Hollinwood Branch Railway of the railways board at reference point SD91300 04762 and terminating at reference point SD92047 04796;
  - Work No. 2 A tramroad 272 yards (249 metres) in length (double line), partly in tunnel, commencing at the termination of Work No. 1 and terminating at reference point SD92274 04774;
  - Work No. 3 A tramroad 95 yards (87 metres) in length (double line) commencing at the termination of Work No. 2 and terminating at reference point SD92363 04771;

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Work No. 4 A tramway 951 yards (870 metres) in length (double line) commencing at the termination of Work No. 3 and terminating at reference point SD93181 05059;

Work No. 5 A tramroad 291 yards (266 metres) in length (double line) commencing at the termination of Work No. 4 and terminating by a junction with the Middleton Junction to Rochdale Railway of the railways board at reference point SD93395 05178;

The substituted portion of Work No. 5;

Work No. 6 A pedestrian footpath and subway 55 yards (50 metres) in length commencing at reference point SD91955 04798 and terminating at reference point SD92004 04788;

Work No. 7 A pedestrian footpath and subway 33 yards (30 metres) in length commencing at reference point SD93323 05116 and terminating at reference point SD93346 05136;

Work No. 8 A widening of Cromwell Street 117 yards (107 metres) in length commencing at reference point SD92615 04733 and terminating at reference point SD92720 04764;

Work No. 9 A widening of Clegg Street 11 yards (10 metres) in length commencing at reference point SD92741 04863 and terminating at reference point SD92746 04871.

## 5 Further works and powers

- (1) Subject to the provisions of this Act, the Executive may make and maintain the further works in the borough described in this section, with all necessary works and conveniences connected therewith, and may exercise the powers hereinafter mentioned:—
- (a) they may re-arrange the whole or any part of the footpath which lies between the points marked “J” and “K” on the deposited plans;
  - (b) they may stop up and discontinue the whole or any part of the footpath and subway which lie between the points marked “L” and “M” on the deposited plans;
  - (c) they may re-arrange the whole or any part of the junction of the streets known as Union Street West and King Street between the points marked “N” and “S” on the deposited plans;
  - (d) they may set back or re-arrange the whole or any part of the footway and kerblines at the junction of the streets known as King Street and George Street between the points marked “P” and “Q” on the deposited plans;
  - (e) they may set back or re-arrange the whole or any part of the footways and kerblines of the street known as Union Street which lie between the points marked “R” and “S”, “S” and “T”, “T” and “U”, “V” and “W”, “W” and “X”, “X” and “Y”, “AB” and “AC” and “Z” and “AA” respectively on the deposited plans;
  - (f) they may re-arrange the whole or any part of the footpaths which lie between the points marked “AH” and “AJ” on the deposited plans;
  - (g) they may set back or re-arrange the whole or any part of the kerblines of the street known as Oldham Way which lie between the points marked “AD” and “AE” and “AF” and “AG” respectively on the deposited plans.

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- (2) After the stopping up of any part of a footpath or street under subsection (1) above, all rights of way over or along the part of the footpath or street so stopped up shall be extinguished.
- (3) In the exercise of the powers of subsection (1) above, the Executive may place such bollards or other obstructions for preventing the passage of vehicles as they consider appropriate and as may be agreed by the highway authority.

## **6 Gauge of tramroads and tramway**

The tramroads and the tramway shall be constructed on a gauge of 4 feet 8½ inches (1.435 metres).

## **7 Power to deviate**

Subject to the provisions of this Act, the Executive in constructing the authorised works may deviate from the lines thereof shown on the deposited plans or, as the case may be, the substituted plan to any extent within the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections or, as the case may be, the substituted section to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient and in constructing the tramroads and the tramway they may alter the radius of any curve described on the deposited plans and increase or diminish any inclination or gradient shown thereon.

## **8 Plans to be approved by Secretary of State before works commenced**

- (1) Before constructing any of the tramroads or the tramway the Executive shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals in respect of that work concerning—
  - (a) permanent way or track and stations;
  - (b) tunnels, lifts, escalators and stairways;
  - (c) signalling;
  - (d) lighting; and
  - (e) ventilation.
- (2) Any such work shall be constructed and maintained in accordance with plans, sections and particulars approved by the Secretary of State.

## **9 Approval of Secretary of State**

The tramroads and the tramway shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Secretary of State.

## **10 Certain works to be deemed tramways, etc**

For the purposes of the Regulation of Railways Act 1871 and Schedule 2 to the Telecommunications Act 1984 the tramroads shall be deemed to be tramways.

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## 11 Extension of powers, etc

- (1) The provisions of Part II of the Greater Manchester (Light Rapid Transit System) Act 1988 (except section 5 (1) and (2) and sections 6, 7, 8, 11, 13, 21 and 22) and of section 43 (For protection of electricity, gas and water undertakers), section 44 (For protection of North West Water Authority) and section 46 (Carriages deemed to be public service vehicles) of that Act shall apply for the purposes of this Act.
- (2) The provisions of the said Act of 1988 so applied shall have effect as if—
- (a) any reference to the light rapid transit system included a reference to the authorised works;
  - (b) any reference to the tramroads or the tramways included a reference to the tramroads or, as the case may be, the tramway within the meaning of this Act;
  - (c) any reference to the said Act of 1988 (except a reference to a particular section of that Act) included a reference to this Act;
  - (d) section 10 (Power to cross streets on the level) included a reference to West Street and Winterbottom Street in the borough;
  - (e) for the purposes of section 14 (Application of Tramways Act 1870), the tramroads authorised by this Act were tramways;
  - (f) the references to section 23 of the said Act of 1988 in paragraph (2) of the said section 43 and to sections 15, 16 and 44 of the said Act of 1988 in paragraph (5) of the said section 43 included references to those sections as applied by this Act;
  - (g) in paragraph (1) of the said section 43, the words “(not being apparatus in respect of which the relations between the Executive and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950),” were omitted;
  - (h) the reference to the deposited plans in paragraph (3) of the said section 43 included a reference to the plans deposited in connection with the Bill for this Act;
  - (i) in paragraph (12) of the said section 43, the words “in any street or controlled land within the meaning of the Public Utilities Street Works Act 1950” were omitted;
  - (j) in paragraph (13) of the said section 43, for the proviso there were substituted the following:—

“Provided that if in the course of the works of the undertakers hereinbefore in this paragraph mentioned apparatus of a better type, of greater dimensions or of greater capacity is placed in substitution for existing apparatus of a worse type, of smaller dimensions or of smaller capacity, or apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was, and the placing of apparatus of that type, dimensions or capacity, or the placing of apparatus at that depth, as the case may be, had not been agreed or settled by arbitration under this section, then—

- (a) if it involves cost in the execution of works of the undertakers exceeding that which would have been involved if the apparatus placed had been of the existing type, dimensions or capacity, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the undertakers in respect of their works shall be reduced by the amount of that excess; and

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- (b) if it involves cost in the execution of the works authorised by this Act exceeding the amount which would have been involved in that case, the undertakers shall pay to the Executive an amount equal to that excess.

For the purposes of this proviso—

- (i) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus;
- (ii) where the provision of a joint in a cable is specified or agreed as necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been so specified or agreed; and

an amount which apart from this proviso would be payable to the undertakers in respect of their works shall, if the works include the placing of apparatus by way of renewal of apparatus placed more than seven-and-a-half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.”.

- (3) Section 9 (Agreements with railways board, etc.) of the Greater Manchester (Light Rapid Transit System) (No. 2) Act 1988 shall have effect as if the reference therein to the authorised works included a reference to the works authorised by this Act, the references therein to the light rapid transit system included references to those works and the references therein to the existing railways included a reference to so much of the Manchester South District Railway of the railways board as lies between the termination of Work No. 10B authorised by the Greater Manchester (Light Rapid Transit System) (No. 2) Act 1990 and the commencement of Work No. 11 authorised by that Act and all works and conveniences provided in connection with the said railway, as existing, altered or constructed (as the case may be) from time to time.