



Greater Manchester (Light Rapid Transit System) Act 1994

1994 CHAPTER vi

PART II

FURTHER EXTENSION OF LIGHT RAPID TRANSIT SYSTEM

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

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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
- (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

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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.