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STATUTORY INSTRUMENTS

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**2013 No. 2587**

**The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

**1.** This Order may be cited as the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 and comes into force on 6th November 2013.

**Interpretation**

**2.—(1)** In this Order—

“the 1961 Act” means the Land Compensation Act 1961<sup>(1)</sup>;

“the 1965 Act” means the Compulsory Purchase Act 1965<sup>(2)</sup>;

“the 1980 Act” means the Highways Act 1980<sup>(3)</sup>;

“the 1984 Act” means the Road Traffic Regulation Act 1984<sup>(4)</sup>;

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(5)</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991<sup>(6)</sup>;

“address” includes any number or address used for the purposes of electronic transmission;

“the authorised transit system” means the transit system authorised by this Order;

“the authorised works” means the scheduled works and any other works authorised by this Order, or any part of them;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection, or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“the City” means the City of Manchester;

“the City Council” means Manchester City Council;

“cycle track” has the same meaning as in the 1980 Act;

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1984 c. 27.

(5) 1990 c. 8.

(6) 1991 c. 22. As amended by the Traffic Management Act 2004 c. 18.

- “electric line” has the meaning given by section 64(1) of the Electricity Act 1989<sup>(7)</sup>;
- “electronic transmission” means a communication transmitted—
- (a) by means of an electronic communications network; or
  - (b) by other means but while in electronic form;
- “footway” has the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “the limits of land to be acquired or used” means the limits of land to be acquired or used shown on the works and land plans;
- “the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 8(1)(a) and (2) (power to deviate);
- “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly;
- “the Order limits” means the permanent limits and the temporary limits;
- “owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981<sup>(8)</sup>;
- “parking place” has the same meaning as in section 32 of the 1984 Act;
- “the permanent limits” means the limits of deviation and of land to be acquired or used, as shown on the works and land plans, and described in the book of reference;
- “the scheduled works” means the works specified in Schedule 1 (scheduled works), or any part of them;
- “the sections” means the sections included in the works and land plans;
- “street” includes part of a street;
- “street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;
- “street tramway” means any part of a transit system which is laid along a street whether or not the section of the street in which its rails are laid may be used by other traffic;
- “the temporary limits” means the limits of land to be used temporarily as shown on the works and land plans, described in the book of reference and specified in columns (1) and (2) of Schedule 6 (land of which temporary possession may be taken);
- “the traffic regulation plans” means the plans certified by the Secretary of State under article 47 (certification of plans, etc.) as the traffic regulation plans for the purposes of this Order;
- “tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a transit system;
- “tramroad” means any part of a transit system which is not a street tramway;
- “transit system” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—
- (a) provide support and guidance for vehicles carried on flanged wheels; and
  - (b) are laid in part along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);
- “the tribunal” means the Upper Tribunal;
- “the undertaker” means Transport for Greater Manchester established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969<sup>(9)</sup>;

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(7) 1989 c. 29.

(8) 1981 c. 67.

(9) S.I. 1969/25, amended by S.I. 1973/1727. By virtue of S.I. 2011/908 the passenger transport executive was re-named “Transport for Greater Manchester”.

“watercourse” includes all docks, rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer or drain; and

“the works and land plans” means the plans and sections certified by the Secretary of State under article 47 (certification of plans, etc.) as the works and land plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air space over its surface.

(3) In the case of any street in relation to which an order made under section 249(2) of the 1990 Act (a pedestrian planning order) is in force, the kerbline of the street, where there is no kerb, is to be taken to be the edge of the part of the street on which the passage of vehicles is permitted.

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(5) References in this Order to points identified by letters, with or without numbers, or by numbers, are to be construed as references to the points so marked on the works and land plans or, in the case of Schedule 7 (traffic regulation), to the points so marked on the traffic regulation plans.

(6) All distances, directions, lengths and points stated in the description of the scheduled works or in any description of powers or lands are approximate and distances between points on a scheduled work are taken to be measured along the scheduled work.

### **Application of enactments relating to railways**

**3.—**(1) The provisions of the Railway Regulation Acts 1840 to 1893<sup>(10)</sup> do not apply in relation to the authorised transit system.

(2) The provisions of the Highways (Railway Crossings) Act 1839<sup>(11)</sup> do not apply in relation to the authorised transit system.

(3) Section 25 of the Railways Act 2005 (discontinuance of excluded services)<sup>(12)</sup> does not apply to the discontinuance and replacement as part of the authorised works of the St Peter’s Square stop which forms part of the undertaker’s transit system as existing at the date of the making of this Order.

### **Application of 1991 Act**

**4.—**(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned are, in relation to works which are major transport works by virtue of paragraph (1), to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order—

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<sup>(10)</sup> 1840 c. 97, 1842 c. 55, 1868 c. 119, 1873 c. 48 and 1889 c. 57

<sup>(11)</sup> 1839 c. 45.

<sup>(12)</sup> 2005 c. 14.

section 56 (directions as to timing);  
 section 56A (power to give directions as to placing of apparatus);  
 section 58 (restrictions following substantial road works);  
 section 58A (restriction on works following substantial streetworks);  
 section 73A (power to require undertaker to re-surface street);  
 section 73B (power to specify timing etc. of re-surfacing);  
 section 73C (materials, workmanship and standard of re-surfacing);  
 section 78A (contributions to costs of re-surfacing by undertaker); and  
 Schedule 3A (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 13 (temporary stopping up of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act referred to in paragraph (4) are—

section 54 (advance notice of certain works), subject to paragraph (6);  
 section 55 (notice of starting date of works), subject to paragraph (6);  
 section 57 (notice of emergency works);  
 section 59 (general duty of street authority to co-ordinate works);  
 section 60 (general duty of undertakers to co-operate);  
 section 68 (facilities to be afforded to street authority);  
 section 69 (works likely to affect other apparatus in the street);  
 section 75 (inspection fees);  
 section 76 (liability for cost of temporary traffic regulation); and  
 section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 15 (maintenance of altered or diverted streets)—

- (a) affects the operation of section 87 of the 1991 Act (prospectively maintainable highways), and the undertaker is not by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

(8) To such extent as is reasonably necessary for protecting the authorised transit system and its operation and use the undertaker has the same powers as respects reinstatement as a street authority has under section 72 of the 1991 Act.

(9) In its application to the authorised transit system section 93(3) of the 1991 Act also permits the undertaker to make reasonable requirements—

- (a) for allowing it facilities to monitor the execution of the works; and

(b) for the protection of the authorised transit system.

### **Disapplication of the Commons Act 2006**

**5.** No land within the limits of land to be acquired or used may be the subject of an application under section 15 (registration of greens) of, or paragraphs 2 to 14 of Schedule 2 (non-registration or mistaken registration under the 1965 Act) to, the Commons Act 2006**(13)**.