
STATUTORY INSTRUMENTS

2005 No. 120

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Merseytram (Liverpool City Centre to Kirkby) Order 2005

Made - - - - 21st January 2005

Coming into force - - 11th February 2005

Whereas an application has been made to the Secretary of State, in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000(1) made under sections 6, 6A, 7 and 10 of the Transport and Works Act 1992(2) (“the 1992 Act”), for an Order under sections 1, 3 and 5 of the 1992 Act;

And whereas the Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act;

And whereas the Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in his opinion do not make any substantial change in the proposals;

And whereas the Secretary of State is satisfied that the provision of an alternative right of way for each of the streets mentioned in Part 2 of Schedule 5 to this Order is not required;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 7th January 2005;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1, 3 and 5 of, and paragraphs 1 to 4, 7 to 13 and 15 to 17 of Schedule 1 to, the 1992 Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

(1) S.I.2000/2190.

(2) 1992 c. 42, as amended by S.I. 1995/1541 and 1998/2226.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Merseytram (Liverpool City Centre to Kirkby) Order 2005 and shall come into force on 11th February 2005.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(3);

“the 1965 Act” means the Compulsory Purchase Act 1965(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 1992 Act” means the Transport and Works Act 1992;

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000;

“the authorised street tramway” means any street tramway authorised by this Order;

“the authorised tramroad” means any tramroad authorised by this Order;

“the authorised tram system” means the tram system (consisting of the authorised street tramways and the authorised tramroads) authorised by this Order, or any part of that system;

“the authorised works” means the scheduled works and any other works authorised by this Order;

“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;

“carriageway” has the same meaning as in the Highways Act 1980(8);

“cycle track” means a way over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988)(9) with or without a right of way on foot;

“electric line” has the meaning given by section 64(1) of the Electricity Act 1989(10);

“highway” and “highway authority” have the same meaning as in the Highways Act 1980;

“the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 6(1)(a) and (2);

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“Merseytravel” means the Merseyside Passenger Transport Executive;

(3) 1961 c. 33.
(4) 1965 c. 56.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 1980 c. 66.
(9) 1988 c. 52.
(10) 1989 c. 29.

“occupier” means a person occupying land under a tenancy for a period of more than one month (not being a statutory tenant within the meaning of the Rent Act 1977(11) or the Rent Agriculture Act 1976(12));

“the Order limits” means the permanent limits and the temporary limits;

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“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 and the limits of additional land to be acquired or used as shown on the works and land plans, described in the book of reference and (in the case of the additional land) specified in columns (1) and (2) of Schedule 2 to this Order;

“the scheduled works” means the works specified in Schedule 1 to this Order 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 III of the 1991 Act;

“street tramway” means any part of a tram system which is laid along a street—

- (a) whether or not the section of the street in which its rails are laid may be used by other traffic, or
- (b) whether the uppermost surface of the rails is level with, or raised above, the surrounding surfaces of the street;

“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 9 to this Order;

“the traffic regulation order plans” means the plans certified by the Secretary of State as the traffic regulation order 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 street tramway or tramroad;

“tramroad” means any part of a tram system which is not a street tramway;

“tram services” means passenger services utilising the authorised tram system;

“tram system” means a system of transport consisting of a street tramway or a tramroad or any combination of those modes of transport;

“the tribunal” means the Lands Tribunal;

“vehicle” includes mobile traction unit; and

“the works and land plans” means the plans and sections certified by the Secretary of State as the works and land plans for the purposes of this Order and references to land shown on those plans are references to land so shown in pursuance of rule 12(5) of the Applications Rules.

(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.

(11) 1977 c. 42. See section 2(1) and Schedule 1, as amended by the Housing Act 1980 (c. 51), sections 76 and 153(2) and Schedule 26, and the Housing Act 1988 (c. 50), section 39(1).

(12) 1976 c. 80. See section 4, as amended by the Rent Act 1977, section 155 and Schedule 23, and the Housing Act 1980, section 76(3).

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

(4) References in this Order to points identified by letters, with or without numbers, or by numbers, shall be construed as references to the points so marked on the works and land plans or, in the case of Schedule 10, to the points so marked on the traffic regulation order plans.

(5) All distances, directions, lengths and points stated in the description of the scheduled works or in any description of powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, direction, length and point, and distances between points on a scheduled work shall be taken to be measured along the scheduled work.

Application of enactments relating to railways

3.—(1) The provisions of the Regulation of Railways Acts 1840 to 1893 shall not apply in relation to the authorised tram system.

(2) The provisions of the Highway (Railway Crossings) Act 1839⁽¹³⁾ shall not apply in relation to the authorised tram system.

(3) Nothing in this article shall be taken as affecting the application to the authorised tramroads of sections 32 to 34 of the Offences Against the Person Act 1861⁽¹⁴⁾.

Application of 1991 Act

4.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway shall be treated for the purposes of Part III 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 Highways Act 1980⁽¹⁵⁾ (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

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

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

- 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).

⁽¹³⁾ 1839 c. 45.

⁽¹⁴⁾ 1861 c. 100.

⁽¹⁵⁾ 1980 c. 66.

(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 shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street by Merseytravel under the powers conferred by this Order 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);
- section 55 (notice of starting date of works);
- 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) Nothing in article 14 of this Order shall—

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

(7) To such extent as is reasonably necessary for protecting the authorised street tramways and their operation and use Merseytravel shall have the same powers as respects reinstatement as a street authority has under section 72 of the 1991 Act.

(8) In its application to the authorised tram system section 93(3) of the 1991 Act shall also permit Merseytravel to make reasonable requirements—

- (a) for allowing it facilities to monitor the execution of the works; and
- (b) for the protection of the authorised tram system.

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

5.—(1) Merseytravel may construct and maintain the scheduled works.

(2) Subject to article 6, the scheduled works may only be constructed in the lines or situations shown on the works and land plans and in accordance with the levels shown on the sections.

(3) Subject to paragraph (7), Merseytravel may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the scheduled works, namely—

- (a) stations, platforms, junctions and stopping places;
- (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised tram system;
- (c) works required for the strengthening, improvement, repair or reconstruction of any street;
- (d) works for the strengthening, alteration or demolition of any building or structure;
- (e) works to alter the position of any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (f) works to alter the course of, or otherwise interfere with rivers, streams or watercourses;
- (g) landscaping, ecological and other works to mitigate any adverse effects of the construction, maintenance or operation of the other authorised works; and
- (h) facilities and works for the benefit or protection of land or premises affected by the other authorised works.

(4) Subject to paragraph (7), Merseytravel may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the scheduled works.

(5) Merseytravel may remove any works constructed by it pursuant to this Order which have been constructed as temporary works or which it no longer requires.

(6) Where Merseytravel lays down conduits for the accommodation of cables or other apparatus for the purposes of or associated with the authorised works it may 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 it and such other person.

(7) Paragraphs (3) and (4) shall only authorise the carrying out or maintenance of works—

- (a) within the Order limits; and
- (b) within the boundaries of any street along which the construction of a street tramway is shown on the works and land plans, or which has a junction with such a street.

(8) The powers of this article shall not be exercised within the boundaries of a street outside of the Order limits which has a junction with a street along which the construction of a street tramway is shown on the works and land plans without the consent of the street authority but such consent shall not be unreasonably withheld.

(9) Section 109 of the Water Resources Act 1991⁽¹⁶⁾, section 23 of the Land Drainage Act 1991⁽¹⁷⁾ and any byelaws made under those Acts shall not apply to anything done under or in pursuance of this Order.

Power to deviate

6.—(1) In constructing or maintaining any of the scheduled works, Merseytravel may—

- (a) deviate laterally from the lines or situations shown on the works and land plans within the Order limits relating to that work shown on those plans; and
- (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 3 metres upwards; and

⁽¹⁶⁾ 1991 c. 57.

⁽¹⁷⁾ 1991 c. 59.

(ii) to any extent downwards as may be necessary or expedient.

(2) In constructing or maintaining any work or part of a work shown on the works and land plans as being situated in a street and for which no limits of deviation are shown on those plans, Merseytravel may deviate laterally within the boundaries of that street.

(3) Merseytravel may in constructing or maintaining any of the authorised street tramways lay down—

- (a) double lines of rails in lieu of single lines;
- (b) single lines of rails in lieu of double lines;
- (c) interlacing lines of rails in lieu of double or single lines; or
- (d) double or single lines of rails in lieu of interlacing lines.

(4) The power in paragraph (3) shall not be exercised in the case of any authorised street tramway without the consent of the street authority, but such consent shall not be unreasonably withheld.

(5) Merseytravel may in constructing or maintaining any of the authorised street tramways lay down such number of switches and crossings as may be necessary or expedient.

(6) Merseytravel may in constructing and maintaining any of the authorised tramroads provide within the limits of deviation for those tramroads such number of lines of rails and sidings, switchings and crossings as may be necessary or expedient.

(7) Without prejudice to the generality of paragraph (1)—

- (a) in constructing and maintaining Work No. 1 Merseytravel may, to the extent it thinks fit, deviate from the design of the bridges shown on the sections, including by varying the number of any supporting columns or other structures, the distances between them and the height or clearance above the level of the water underneath the bridges; and
- (b) in constructing and maintaining the scheduled works Merseytravel may, to the extent it thinks fit, deviate laterally from their points of commencement and termination shown on the works and land plans.

Designation of works

7.—(1) Notwithstanding anything in the description of the scheduled works contained in Schedule 1 to this Order—

- (a) the whole or any part of an authorised street tramway may be constructed within the limits of deviation for that work off-street as a tramroad, and so far as it is so constructed shall be treated for the purposes of this Order as if it were so designated; and
- (b) the whole or any part of an authorised tramroad may be constructed within the limits of deviation for that work along a street as a street tramway, and so far as it is constructed shall be treated for the purposes of this Order as if it were so designated.

(2) Where, by means of the creation or extinguishment of rights of way, any part of the authorised tram system which has been constructed as a tramroad becomes a street tramway, or any part which was constructed as a street tramway becomes a tramroad, it shall be treated for the purposes of this Order as if it were so designated.

Streets

Power to alter layout, etc., of streets

8.—(1) Merseytravel may alter the layout of, and carry out other ancillary works in, any street specified in column (1) of Schedule 4 to this Order in the manner specified in relation to that street in column (2) of that Schedule.

(2) Without prejudice to the specific powers conferred by article 5 or paragraph (1) but subject to paragraph (3), Merseytravel may for the purpose of constructing, maintaining or using any authorised street tramway alter the layout of the street along which the street tramway is or is to be laid and the layout of any street having a junction with such a street; and, without prejudice to the generality of the foregoing, Merseytravel may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for tramcars or by carrying out other works for that purpose;
- (d) carry out works for the provision or alteration of parking places and bus laybys;
- (e) carry out traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999(18) and which are carried out in compliance with those Regulations;
- (f) carry out works to the carriageway of the street for the purpose of deterring or preventing vehicles other than tramcars from passing along the tram system; and
- (g) make and maintain crossovers, sidings or passing places.

(3) The powers in paragraph (2) shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.

Power to keep apparatus in streets

9.—(1) Merseytravel may, for the purposes of or in connection with the construction, maintenance and use of the authorised tram system, place and maintain in any street in which the tram system is or is to be laid and in any street having a junction with such a street any work, equipment or apparatus including, without prejudice to the generality of the foregoing, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) The powers of this article shall not be exercised within the boundaries of a street outside of the Order limits which has a junction with a street along which the construction of a street tramway is shown on the works and land plans without the consent of the street authority but such consent shall not be unreasonably withheld.

(3) In this article—

- (a) “apparatus” has the same meaning as in Part III of the 1991 Act; and
- (b) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

Power to execute street works

10.—(1) Merseytravel may, for the purpose of exercising the powers conferred by article 9 or any other provision of this Order, enter upon any street in which the authorised tram system is or is to be laid and any street having a junction with such a street and may execute any works required for or incidental to the exercise of those powers including, without prejudice to the generality of the foregoing, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

(2) The powers of this article shall not be exercised within the boundaries of a street outside of the Order limits which has a junction with a street along which the construction of a street tramway is shown on the works and land plans without the consent of the street authority, but such consent shall not be unreasonably withheld.

Stopping up of streets and extinguishment of rights

11.—(1) Subject to the provisions of this article Merseytravel may, in connection with the construction of the authorised works, stop up each of the streets specified in column (1) of Parts 1 and 2 of Schedule 5 to this Order to the extent specified, by reference to the letters and numbers shown on the works and land plans, in column (2) of Parts 1 and 2 of that Schedule.

(2) No street specified in column (1) of Part 1 of Schedule 5 to this Order (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless either—

- (a) the new street to be substituted for it, and which is specified in relation to it by reference to one of the scheduled works or other works in column (3) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route is first provided and thereafter maintained by Merseytravel to the reasonable satisfaction of the street authority between the commencement and termination points of the street to be stopped up, until completion of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) and (2) of Part 2 of Schedule 5 to this Order (being a street to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the relevant land; and for this purpose “relevant land” means any land which abuts on either side of the street to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) Merseytravel is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street has been stopped up under this article—

- (a) all rights of way over or along it shall be extinguished; and
- (b) Merseytravel may appropriate and use for the purposes of the authorised tram system so much of the site of the street as is bounded on both sides by land owned or appropriated by Merseytravel.

(6) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to be paid compensation by Merseytravel to be determined, in case of dispute, under Part I of the 1961 Act.

(7) This article is subject to paragraph 2 of Schedule 11 to this Order.

Temporary stopping up of streets

12.—(1) Merseytravel may, during and for the purposes of the execution of the authorised works, temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without prejudice to the generality of paragraph (1), Merseytravel may use any street stopped up under the powers of this article as a temporary working site.

(3) Merseytravel shall provide at all times reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1), Merseytravel may exercise the powers of this article in relation to the streets specified in column (1) of Schedule 5 to this Order to the extent specified, by reference to the letters and numbers shown on the works and land plans and set out in column (2) of that Schedule, and in relation to the streets specified in Schedule 6 to this Order.

(5) Merseytravel shall not exercise the powers of this article—

- (a) in relation to any street specified as mentioned in paragraph (4) that is not a highway, without first consulting the street authority; and
- (b) in relation to any other street without the consent of the street authority, but such consent shall not be unreasonably withheld.

Access to works

13. Merseytravel may, for the purposes of the construction or operation of the scheduled works, form and lay out such means of access or improve such existing means of access, to any street in which the authorised tram system is or is to be laid or any street having a junction with such a street, as may be approved by the highway authority, but such approval shall not be unreasonably withheld.

Construction and maintenance of new, altered or diverted streets

14.—(1) Any street to be constructed under this Order shall be completed to the reasonable satisfaction of the highway authority and shall, unless otherwise agreed between Merseytravel and the highway authority, be maintained by and at the expense of Merseytravel for a period of 18 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street shall, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of Merseytravel for a period of 18 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) Paragraphs (1) and (2) do not apply in relation to the structure of any bridge or tunnel carrying a street over a tramroad or carrying a tramroad over a street and except as provided in those paragraphs Merseytravel shall not be liable to maintain the surface of any street in, on, under or over which the scheduled works shall be constructed, or the immediate approaches to any such street, unless otherwise agreed with the street authority.

(4) In any action against Merseytravel in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that Merseytravel had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(5) For the purposes of a defence under paragraph (4), the court shall in particular have regard to the following matters—

- (a) the character of the street including its use for a tramway, and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether Merseytravel knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where Merseytravel could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed;

but for the purposes of such a defence it is not relevant that Merseytravel had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that Merseytravel had given him proper instructions with regard to the maintenance of the street and that he had carried out those instructions.

Construction of bridges and tunnels

15. Any bridge or tunnel to be constructed under this Order for carrying a highway over any authorised tramway or any authorised tramway over a highway shall be constructed in accordance with plans and specifications approved by the highway authority, but such approval shall not be unreasonably withheld.

Restoration of streets if street tramway discontinued

16. If Merseytravel abandons the construction of, or permanently ceases to operate any of the authorised street tramways (“the discontinued tramway”), it shall as soon as reasonably practicable and unless otherwise agreed with the street authority—

- (a) remove from any street in which the discontinued tramway is laid the rails and any other works, equipment and apparatus which have become redundant; and
- (b) restore, to the reasonable satisfaction of the street authority, the portion of the street along which the discontinued tramway was laid regard being had to the condition of the street before the tramway was laid.

Agreements with street authorities

17.—(1) A street authority and Merseytravel may enter into agreements with respect to—

- (a) the construction of any new street (including any structure carrying the street over or under any authorised street tramway or authorised tramroad) under the powers conferred by this Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) the maintenance of any street along or across which a street tramway is laid, or of the structure of any bridge or tunnel carrying a street over or under any authorised street tramway or authorised tramroad;
- (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or

- (e) the execution in the street of any of the works referred to in article 10.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
 - (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

New road crossings

18.—(1) Where by virtue of the creation of a highway or other road after the day on which application was made for this Order under section 6 of the 1992 Act, any authorised tramroad would cross that highway or road, then Merseytravel may construct the tramroad so as to carry it on the level across the highway or road.

(2) Merseytravel may provide, maintain and operate at or near any new road crossing such protective equipment as the Health and Safety Executive may in writing approve.

(3) Any traffic sign placed pursuant to this article on or near a highway or other road to which the public has access shall be treated for the purposes of section 64(4) of the 1984 Act as having been placed as provided by that Act.

(4) Without prejudice to the generality of article 8, Merseytravel may in the exercise of the powers of this article alter the level of any highway or road referred to in paragraph (1).

(5) The highway authority may enter into agreements with Merseytravel with respect to the construction and maintenance of any new road crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(6) In this article—

“new road crossing” means the place at which an authorised tramroad crosses a highway or other road on the level under the powers conferred by this article; and

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the 1984 Act), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

Supplemental powers

Attachment of equipment to buildings

19.—(1) Subject to the following provisions of this article, Merseytravel may affix to any building for the time being constructed on any land mentioned in Part 1 of the book of reference, and any building (or replacement of that building) mentioned in Part 2 of the book of reference—

- (a) any brackets, cables, wires, insulators and other apparatus required in connection with the authorised tram system; and
- (b) any lamps, brackets, pipes, electric lines and other apparatus required for the provision of additional or substitute street lighting in consequence of the construction of the authorised tram system.

(2) Paragraphs (3) to (5) and (8) do not apply to any building for the time being constructed on any land referred to in Schedule 8 to this Order.

(3) Merseytravel shall not under this article affix any apparatus to a building without the written consent of the relevant owner of the building; and such consent may be given subject to reasonable conditions (including, where appropriate, the payment of rent) but shall not be unreasonably withheld.

(4) Where—

- (a) Merseytravel serves on the relevant owner of a building a notice requesting the owner's consent to the affixing of specified apparatus to the building; and
- (b) the relevant owner does not within the period of 56 days beginning with the date upon which the notice is served give his consent unconditionally or give it subject to conditions or refuse it;

the consent shall be deemed to have been withheld.

(5) Where, in the opinion of Merseytravel, a consent required under this article for the affixing of specified apparatus is unreasonably withheld or given subject to unreasonable conditions, it may apply to the magistrates' court, who may either allow the apparatus to be affixed subject to such conditions, if any, as it thinks fit or may disallow the application.

(6) Where apparatus is affixed to a building under this article—

- (a) any owner for the time being of the building may serve on Merseytravel not less than 56 days' notice requiring Merseytravel at its own expense temporarily to remove the apparatus during any demolition, reconstruction or repair of the building if such removal is reasonably necessary for that purpose; and
- (b) Merseytravel shall have the right as against any person having an interest in the building to use and maintain the apparatus.

(7) Where, in the opinion of Merseytravel, a requirement temporarily to remove any apparatus affixed to a building under this article during any reconstruction, demolition or repair of the building is not reasonably necessary for that purpose, Merseytravel may refer the matter to an arbitrator under article 77, who may either allow the apparatus to be temporarily removed or may order that it shall not be temporarily removed.

(8) Merseytravel shall pay compensation to the owners and occupiers of the building for any loss or damage sustained by them by reason of the exercise of the powers conferred by paragraphs (1) and (6)(b); and any dispute as to a person's entitlement to compensation, or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.

(9) In this article—

“building” includes any structure and a bridge or aqueduct over the street; and
“relevant owner”—

- (a) in relation to a building occupied under a lease or tenancy having an unexpired term exceeding 5 years, means that occupier of the building; or
- (b) in relation to any other building, means the person for the time being receiving the rack rent of the building whether on his own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rack rent.

Temporary closure of part of Canning Dock, Duke's Dock, Wapping Basin and Salthouse Dock

20.—(1) In this article “the waterways” means those parts of Canning Dock, Duke's Dock, Wapping Basin and Salthouse Dock that lie within the Order limits.

(2) Merseytravel may, during and for the purpose of the construction of the authorised works, temporarily close and de-water all or any part of the waterways and divert barges and other boats from all or any part of the waterways.

(3) During the period of the closure referred to in paragraph (2), all rights of navigation along, and any obligations of the British Waterways Board to maintain for navigation, the waterways or part thereof so closed shall be suspended and unenforceable against the British Waterways Board.

(4) Any person who suffers loss by the suspension of any right under this article shall be entitled to be paid compensation by Merseytravel, to be determined in the case of dispute by the tribunal.

Discharge of water

21.—(1) Merseytravel may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits or in any street along which any authorised street tramway is authorised to be laid, make openings into, and connections with, the watercourse, sewer or drain.

(2) Merseytravel shall not discharge any water into any watercourse, public sewer or drain except with the consent of the authority to which it belongs; and such consent may be given subject to such terms and conditions as the authority may reasonably impose but shall not be unreasonably withheld.

(3) Merseytravel shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the authority to which the sewer or drain belongs, but such approval shall not be unreasonably withheld.

(4) Merseytravel shall not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(5) Merseytravel shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.

(6) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991⁽¹⁹⁾.

(7) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority, or a harbour authority within the meaning of the Harbours Act 1964⁽²⁰⁾;
- (b) “watercourse” includes all docks, rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except a public sewer or drain; and
- (c) other expressions used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Safeguarding works to buildings

22.—(1) Subject to the following provisions of this article, Merseytravel may at its own expense and from time to time carry out such safeguarding works to any building lying within the Order limits as Merseytravel considers to be necessary or expedient.

(2) Safeguarding works may be carried out—

- (a) at any time before or during the construction, in the vicinity of the building, of any part of the authorised works (other than works authorised by this article); or
- (b) after the completion of the construction of that part of the authorised works (other than works authorised by this article), at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised Merseytravel may enter and survey any building falling within paragraph (1) and any land belonging to it.

⁽¹⁹⁾ 1991 c. 57.

⁽²⁰⁾ 1964 c. 40.

(4) For the purpose of carrying out safeguarding works under this article to a building Merseytravel may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land belonging to it; and
- (b) where the works cannot be carried out reasonably conveniently without entering land adjacent to the building, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out safeguarding works to a building;
- (b) a right under paragraph (3) to enter a building and any land belonging to it;
- (c) a right under paragraph (4)(a) to enter a building or land and any land belonging to it; or
- (d) a right under paragraph (4)(b) to enter land;

Merseytravel shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and in a case falling within sub-paragraph (a) or (c), specifying the safeguarding works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the safeguarding works or to enter the building or land to be referred to arbitration under article 77.

(7) Merseytravel shall compensate the owners and occupiers of any building or land in relation to which the powers of this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

- (a) safeguarding works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use, it appears that the safeguarding works are inadequate to protect the building against damage caused by the construction or operation of that part of the works;

Merseytravel shall compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without prejudice to article 76, nothing in this article shall relieve Merseytravel from any liability to pay compensation under section 10(2) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part I of the 1961 Act.

(11) In this article—

- (a) “building” includes any structure or erection or any part of a building, structure or erection; and
- (b) “safeguarding works”, in relation to a building, means—
 - (i) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;
 - (ii) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
 - (iii) any works the purpose of which is to secure the safe operation of the tram system or to prevent or minimise the risk of such operation being disrupted.

Power to construct temporary street tramways

23.—(1) Merseytravel may, if it considers it necessary or expedient in consequence of any works executed or proposed to be executed in a street along which an authorised street tramway is constructed—

- (a) remove or discontinue the operation of the authorised street tramway; and
- (b) lay, maintain and operate in that street or in a street near to that street a temporary street tramway in lieu of the authorised street tramway.

(2) The powers conferred by this article may only be exercised with the consent of the street authority but such consent shall not be unreasonably withheld.

(3) The provisions of articles 8(2), 9, 10 and 46 shall apply in relation to temporary street tramways laid under this article as they apply in relation to the authorised street tramways.

Planning permission: supplementary matters

24.—(1) Planning permission which is deemed by a direction under section 90(2A) of the 1990 Act to be granted in relation to works authorised by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of that Act (cases in which land is to be treated as operational land for the purposes of that Act).

(2) In relation to the application of paragraph (3)(c) of the Second Schedule of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Tree Preservation Order) Regulations 1969⁽²¹⁾ (including that paragraph as applied by regulation 3(ii) of the Town and Country Planning (Tree Preservation Order) (Amendment) and (Trees in Conservation Areas) (Exempted Cases) Regulations 1975⁽²²⁾, or as incorporated in any tree preservation order), any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the works authorised by this Order shall be treated as deeming the permission to have been granted on application made under Part III of that Act for the purposes of that Part.

(3) In relation to the application of article 5(1)(d) of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Trees) Regulations 1999⁽²³⁾ as incorporated in any tree preservation order or as having effect by virtue of regulation 10(1)(a) of those Regulations, any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the works authorised by this Order shall not be treated as an outline planning permission.

Power to survey and investigate land, etc.

25.—(1) Merseytravel may for the purposes of this Order—

- (a) survey or investigate any land within the Order limits or any building (or replacement of that building) mentioned in Part 2 of the book of reference, any street along which any authorised street tramway is authorised to be laid and any street having a junction with such a street;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions as Merseytravel thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out archaeological investigations on any such land;
- (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the authorised works;

⁽²¹⁾ S.I. 1969/17.

⁽²²⁾ S.I. 1975/148.

⁽²³⁾ S.I. 1999/1892.

- (e) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (d); and
 - (f) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (e).
- (2) No land may be entered, or equipment placed or left on or removed from the land, under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.
- (3) Any person entering land under this article on behalf of Merseytravel—
- (a) shall, if so required, before or after entering the land produce written evidence of his authority to do so; and
 - (b) may take with him such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes shall be made under this article in a carriageway or footway without the consent of the street authority, but such consent shall not be unreasonably withheld.
- (5) Merseytravel shall pay compensation for any damage occasioned, by the exercise of the powers conferred by this article, to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part I of the 1961 Act.
- (6) Nothing in this article shall obviate the need to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(24).

Mode of construction and operation of tram system

- 26.—(1) The authorised tram system shall be operated by electricity or, in an emergency or for the purposes of maintenance, by diesel power or other means.
- (2) The authorised street tramway and authorised tramroad shall be constructed on a nominal gauge of 1,435 millimetres.
- (3) Where a tramway is constructed along a street or in any place to which the public has access (including any place to which the public has access only on making a payment) Merseytravel shall take such care as in all the circumstances is reasonable to ensure that the tramway is constructed and maintained so that the street or other place is safe for other users.
- (4) When considering what measures are required under paragraph (3) Merseytravel shall have particular regard to the character and usage of the street or other place and to those who could reasonably be expected to use it.

Obstruction of construction of authorised works

27. Any person who, without reasonable excuse, obstructs another person from constructing any of the authorised works under the powers conferred by this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Removal of human remains

- 28.—(1) In this article “the specified land” means the land in the City of Liverpool numbered 433 and 434 on the works and land plans.
- (2) Before Merseytravel begins to use any part of the specified land for the construction of any of the authorised works therein it shall remove, or cause to be removed, from that part of the specified land the remains of all deceased persons interred therein in accordance with the following provisions of this article.

(24) 1979 c. 46.

(3) Before any such remains are removed from the specified land Merseytravel shall give notice of such intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing it once in each of two successive weeks in a newspaper circulating in the City of Liverpool; and
- (b) displaying it in a conspicuous place upon or near to the specified land.

(4) Forthwith after the first publication of a notice under paragraph (3) Merseytravel shall send a copy of the notice to the Library Records Office, Central Library, William Brown Street, Liverpool L3 8EW.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to Merseytravel of his intention to undertake the removal of such remains, and thereupon, if such remains can be identified, he shall be at liberty to cause such remains to be removed and reinterred in any burial ground or cemetery in which burials may legally take place, or to be removed to, and cremated in, any crematorium, and forthwith after such reinterment or cremation shall provide to Merseytravel a certificate for the purpose of enabling compliance with paragraph (10).

(6) If any person giving such notice as aforesaid fails to satisfy Merseytravel that he is such personal representative or relative as he claims to be, or that the remains in question can be identified, the question shall be determined on the application of either party in a summary manner by the county court, and the court shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(7) Merseytravel shall defray the reasonable expenses of the removal and reinterment or cremation of such remains.

(8) If—

- (a) within the said period of 56 days no notice under paragraph (5) has been given to Merseytravel in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (6) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days thereafter; or
- (c) within 56 days after any order is made by the county court under paragraph (6) any person, other than Merseytravel, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which any such notice relates cannot be identified;

subject to paragraph (9) Merseytravel shall remove the remains and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as Merseytravel thinks suitable for the purpose and so far as possible remains from individual graves shall be reinterred in individual containers which shall be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(9) If any personal representative or relative has given notice under paragraph (5) and has satisfied Merseytravel that he is such personal representative or relative as he claims to be, and that the remains in question can be identified, but does not remove the remains, Merseytravel shall comply with any reasonable request he may make in relation to the removal and reinterment or cremation of the remains.

(10) Upon the reinterment or cremation of any remains under this article—

- (a) a certificate of reinterment or cremation shall be sent to the Registrar General by Merseytravel giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated; and

(b) a copy of the certificate of reinterment or cremation and the record mentioned in paragraph (8) shall be sent to the Library Records Office mentioned in paragraph (4).

(11) The removal of the remains of any deceased person under this article shall be carried out in accordance with any directions which may be given by the Secretary of State.

(12) Any jurisdiction or power conferred on the county court by this article may be exercised by the district judge of the court.

(13) Section 25 of the Burial Act 1857⁽²⁵⁾ shall not apply to a removal carried out in accordance with this article.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

29.—(1) Merseytravel may acquire compulsorily so much of the land shown on the works and land plans as lying within the permanent limits as may be required for or in connection with the authorised works and may use any land so acquired for those purposes or for any other purposes connected with, or ancillary to, its tram system undertaking.

(2) Nothing in paragraph (1) shall authorise Merseytravel to acquire compulsorily any of the lands mentioned in Schedule 3 to this Order, or any rights over those lands, but Merseytravel may acquire by agreement any part of those lands, or any rights over them, and use them, for the purposes referred to in that paragraph.

(3) This article is subject to articles 34 and 35(2).

Application of Part I of the Compulsory Purchase Act 1965

30.—(1) Part I of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

(a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981⁽²⁶⁾ applies; and

(b) as if this Order were a compulsory purchase order under that Act.

(2) Part I of the 1965 Act, as so applied, shall have effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

Application of Compulsory Purchase (Vesting Declarations) Act 1981

31.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981⁽²⁷⁾ shall apply to Merseytravel as if this Order were a compulsory purchase order.

(2) In its application by virtue of paragraph (1), the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) there shall be substituted—

⁽²⁵⁾ 1857 c. 81.

⁽²⁶⁾ 1981 c. 67.

⁽²⁷⁾ 1981 c. 66.

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)”, and after “given” there shall be inserted “and published”.

(5) In that section, subsections (5) and (6) shall be omitted and at the end there shall be substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) he is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
- (b) he holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) shall be omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.

(8) References to the Compulsory Purchase Act 1965 shall be construed as references to that Act as applied to the acquisition of land under article 30.

Powers to acquire new rights

32.—(1) Merseytravel may compulsorily acquire such easements or other rights over any land within the permanent limits as may be required for any purpose for which that land may be acquired, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 7 to this Order), where Merseytravel acquires a right over land under paragraph (1) Merseytravel shall not be required to acquire a greater interest in that land.

(3) Schedule 7 to this Order shall have effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article or article 34 of a right over land by the creation of a new right.

Powers to acquire subsoil only

33.—(1) Merseytravel may compulsorily acquire so much of the subsoil of the land within the permanent limits as may be required for any purpose for which that land may be acquired instead of acquiring the whole of the land.

(2) Where Merseytravel acquires any part of the subsoil of land under paragraph (1) Merseytravel shall not be required to acquire an interest in any other part of the land.

(3) Paragraph (2) shall not prevent article 39 from applying where Merseytravel acquires a cellar, vault, arch or other construction forming part of a house, building or factory.

New rights only to be acquired in certain lands

34.—(1) In the case of the land specified in Schedule 8 to this Order Merseytravel’s powers of compulsory acquisition under article 29 shall be limited to the acquisition of such easements or other new rights in the land as it may require for the purposes of exercising the powers of article 19(1) and using and maintaining any apparatus affixed in the exercise of those powers.

(2) Where Merseytravel acquires easements or other new rights in the land specified in Schedule 8, article 32(2) shall apply as it applies to the acquisition of a new right under that article.

Rights under or over streets

35.—(1) Merseytravel may enter upon and appropriate so much of the surface, subsoil of, or air-space over, any street shown on the works and land plans and described in the book of reference as may be required for the purposes of the authorised works and may use the surface, subsoil and air-space for those purposes or any other purpose connected with or ancillary to its tram system undertaking.

(2) The power under paragraph (1) may be exercised in relation to a street without Merseytravel being required to acquire any part of the street or any easement or right in the street and, except in relation to a street which is subject to stopping up pursuant to article 11, the powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the street.

(3) Any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without Merseytravel acquiring any part of that person’s interest in the land, and who suffers loss by the exercise of that power, shall be entitled to compensation, the amount of such compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(4) Paragraph (2) shall not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting on to the street.

(5) Compensation shall not be payable under paragraph (3) to any person who is an undertaker, to whom section 85 of the 1991 Act applies, in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary possession of land

Temporary use of land for construction of works

36.—(1) Merseytravel may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of—
 - (i) so much of the land shown on the works and land plans as lying within the temporary limits for the purpose specified in relation to that land in column (3) of Schedule 9 to this Order relating to the scheduled works (or any of them) specified in column (4) of that Schedule; and
 - (ii) any of the land within the permanent limits in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
- (b) remove any buildings and vegetation from that land; and
- (c) construct temporary works (including the provision of means of access) and buildings on the land.

(2) Not less than 14 days before exercising the powers of paragraph (1) Merseytravel shall serve notice of the intended entry on the owners and occupiers of the land.

(3) Merseytravel may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—

(a) in the case of land lying within the temporary limits, after the end of the period of 2 years beginning with the date of completion of the work or works specified in relation to that land in column (4) of Schedule 9 to this Order; or

(b) in the case of land within the permanent limits, after the end of the period of 2 years beginning with the date of completion of the work or works for which temporary possession of the land was taken unless Merseytravel has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Merseytravel shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but Merseytravel shall not be required to replace a building removed under this article.

(5) Merseytravel shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.

(7) Without prejudice to article 76, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where Merseytravel takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(9) Merseytravel shall not exercise the powers of this article in relation to any land within the permanent limits in the ownership or control of a local authority without the consent of the local authority, such consent not to be unreasonably withheld, and if within 28 days after any application for such consent has been submitted the local authority has not refused its consent and given the grounds for refusal, it shall be deemed to have given its consent.

(10) In this article "building" includes any structure or other erection.

(11) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 30(1).

Temporary use of land for maintenance of works

37.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, Merseytravel may—

(a) enter upon and take temporary possession of any land within the Order limits and lying within 20 metres from that work if such possession is reasonably required for the purpose of, or in connection with, maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and

(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise Merseytravel to take temporary possession of—

(a) any house or garden belonging to a house; or

- (b) any building (other than a house) if it is for the time being occupied.
- (3) Not less than 28 days before entering upon and taking temporary possession of land under this article Merseytravel shall serve notice of the intended entry on the owners and occupiers of the land.
- (4) Merseytravel may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.
- (5) Before giving up possession of land of which temporary possession has been taken under this article, Merseytravel shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.
- (6) Merseytravel shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.
- (7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.
- (8) Without prejudice to article 76, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).
- (9) Where Merseytravel takes possession of land under this article, it shall not be required to acquire the land or any interest in it.
- (10) The powers of this article shall not be exercised in relation to any street without the consent of the street authority, which shall not be unreasonably withheld.
- (11) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 30(1).
- (12) In this article—
 - (a) “building” includes any structure or other erection;
 - (b) “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for public use; and
 - (c) any reference to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of the point on the surface below which the work is situated.

Compensation

Disregard of certain interests and improvements

38.—(1) In assessing the compensation (if any) payable to any person on the acquisition from him of any land under this Order, the tribunal shall not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land;

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which he is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Supplementary

Acquisition of part of certain properties

39.—(1) This article shall apply instead of section 8(1) of the 1965 Act (as applied by article 30) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or factory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on Merseytravel a counter-notice objecting to the sale of the land subject to the notice to treat and stating that he is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless Merseytravel agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house;

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house;

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which Merseytravel is authorised to acquire compulsorily under this Order.

(8) If Merseytravel agrees to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice; the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which Merseytravel is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, Merseytravel may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, shall pay to the owner compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or factory or of land consisting of a house with a park or garden, Merseytravel shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of the interest acquired.

Extinction or suspension of private rights of way

40.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

(a) as from the acquisition of the land by Merseytravel, whether compulsorily or by agreement; or

(b) on the entry on the land by Merseytravel under section 11(1) of the 1965 Act; whichever is sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by Merseytravel which is within the permanent limits and is required for the purposes of this Order, shall be extinguished on the appropriation of the land for any of those purposes by Merseytravel.

(3) Subject to the provisions of this article, all private rights of way over land of which Merseytravel takes temporary possession under this Order shall be suspended and unenforceable for as long as Merseytravel remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers, etc.) or paragraph 2 of Schedule 11 to this Order applies.

(6) Paragraphs (1), (2) and (3) shall have effect subject to—

(a) any notice given by Merseytravel before the completion of the acquisition of the land, Merseytravel's appropriation of it, Merseytravel's entry onto it or Merseytravel's taking temporary possession of it, as the case may be, that any or all of those paragraphs shall not apply to any right of way specified in the notice; and

(b) any agreement made (whether before or after any of the events mentioned in subparagraph (a) and before or after the coming into force of this Order) between Merseytravel and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b) which is made with a person in or to whom the right of way is vested or belongs is expressed to have effect also for the benefit of those deriving title from or under him, it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Time limit for exercise of powers of acquisition

41.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat shall be served under Part I of the 1965 Act, as applied to the acquisition of land under article 30; and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by article 31.

(2) The powers conferred by article 36 to enter upon and take temporary possession of land shall cease at the end of the period mentioned in paragraph (1); but this paragraph shall not prevent Merseytravel from remaining in possession of land in accordance with article 36 after the end of that period, if the land was entered and possession of it was taken before the end of that period.

PART 4

OPERATION OF TRAM SYSTEM

Power to operate and use tram system

42.—(1) Merseytravel may operate and use the authorised tram system and the other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Subject to paragraph (4), article 52 and section 10 of the Transport Act 1968(28), Merseytravel shall, for the purpose of operating the tram system, have the exclusive right—

- (a) to use the rails, foundations, cables, masts, overhead wires and other apparatus used for the operation of the tram system; and
- (b) to occupy any part of the street in which that apparatus is situated.

(3) Any person who, without the consent of Merseytravel or other reasonable excuse, uses the apparatus mentioned in paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) Nothing in this article shall restrict the exercise of any public right of way over any part of a street in which apparatus is situated in pursuance of paragraph (2) except to the extent that the exercise of the right is constrained by the presence of the apparatus.

Maintenance of approved works, etc.

43.—(1) Where, pursuant to regulations(29) made under section 41 of the 1992 Act (approval of works, plant and equipment) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the authorised tram system, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the authorised tram system or detrimentally affect the safety of any other person.

(2) If without reasonable cause the provisions of paragraph (1) are contravened, Merseytravel shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(28) 1968 c. 73.

(29) See S.I. 1994/157.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

Power to charge fares

44. Merseytravel may demand, take and recover or waive such charges for carrying passengers or goods on the authorised tram system, or for any other services or facilities provided in connection with the operation of the authorised tram system, as it thinks fit.

Removal of obstructions

45.—(1) If any obstruction is caused to tramcars using the authorised tram system by a vehicle waiting, loading, unloading or breaking down on any part of the tram system, the person in charge of the vehicle shall forthwith remove it; and if he fails to do so Merseytravel may take all reasonable steps to remove the obstruction and may recover the expenses reasonably incurred in doing so from—

- (a) any person by whom the vehicle was put or left so as to become an obstruction to tramcars; or
- (b) any person who was the owner of the vehicle at that time unless he shows that he was not, at that time, concerned in or aware of the vehicle being so put or left.

(2) If any obstruction is caused to tramcars using the authorised tram system by a load falling on the tram system from a vehicle, the person in charge of the vehicle shall forthwith remove the load from the tram system; and if he fails to do so, Merseytravel may take all reasonable steps to remove the load and may recover the expenses reasonably incurred in doing so from—

- (a) any person who was in charge of the vehicle at the time when the load fell from it; or
- (b) any person who was the owner of the vehicle at that time unless he shows that he was not concerned in, or aware of, the vehicle being in the place at which the load fell from it.

(3) For the purposes of this article the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and in determining for those purposes who was the owner of the vehicle at any time, it shall be presumed (unless the contrary appears) that the owner was the person in whose name the vehicle was at that time registered under the Vehicles Excise and Registration Act 1994⁽³⁰⁾.

Traffic signs

46.—(1) Merseytravel may, for the purposes of, or in connection with the operation of, the authorised tram system, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) of the 1984 Act or of a character authorised by the Secretary of State on any street in which the authorised tram system is laid or which gives access to such a street.

(2) Merseytravel—

- (a) shall consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 of the 1984 Act, shall enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs shall include a power to give directions to Merseytravel as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) shall be exercisable subject to and in conformity with any directions given under that section.

(30) 1994 c. 22.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised tram system is laid or which gives access to such a street shall consult with Merseytravel as to the placing of any traffic sign which would affect the operation of the authorised tram system.

(5) Tramcars shall be taken to be public service vehicles for the purposes of section 122(2)(c) of the 1984 Act.

(6) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.

Traffic regulation

47.—(1) Subject to the provisions of this article Merseytravel may, for the purposes of the authorised tram system, at any time prior to the expiry of 12 months from the opening of the system for use and with the consent of the traffic authority in whose area the road concerned is situated—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 10 to this Order on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) authorise the use as a parking place in the manner specified in Part 2 of Schedule 10 to this Order of those roads specified in column (2) and along the lengths, between the points and to the extent specified in column (3) of that Part of that Schedule;
- (c) make provision as to the direction of vehicular traffic in the manner specified in Part 3 of Schedule 10 to this Order on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (d) permit or prohibit vehicular access in the manner specified in Part 4 of Schedule 10 to this Order to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule; and
- (e) revoke or amend in whole or in part any prohibition, restriction or other provision specified in Part 5 of Schedule 10 to this Order to the extent specified in that Part of that Schedule.

(2) Without prejudice to the specific powers conferred by paragraph (1) but subject to the provisions of this article Merseytravel may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised tram system, at any time prior to the expiry of 12 months from the opening of that system for use and with the consent of the traffic authority in whose area the road is situated or, in relation to parking places, with the consent of the local authority—

- (a) revoke or amend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road.

(3) Merseytravel shall not exercise the powers of paragraphs (1) and (2) unless it has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention so to do in the case of a permanent prohibition, restriction or other provision; or

- (ii) 4 weeks' notice in writing of its intention so to do in the case of a temporary prohibition, restriction or other provision;
to the chief officer of police and to the traffic authority in whose area the road is situated;
and
- (b) advertised its intention in such manner as the traffic authority may reasonably specify in writing within—
 - (i) 28 days of its receipt of notice of Merseytravel's intention in the case of paragraph (i) of sub-paragraph (a); or
 - (ii) 7 days in the case of paragraph (ii) of sub-paragraph (a).
- (4) Any prohibition, restriction or other provision made by Merseytravel under paragraph (1) or (2) shall have effect as if duly made by, as the case may be—
 - (a) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
 - (b) the local authority in whose area the road is situated as an order under section 32 of the 1984 Act;

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 10 to this Order) to which the prohibition, restriction or other provision is subject.

(5) Any prohibition, restriction or other provision made under this article may be varied or revoked by Merseytravel from time to time by subsequent exercise of the powers of paragraph (2) within a period of 24 months from the opening of the authorised tram system for use.

(6) Any prohibition, restriction or other provision made by Merseytravel under paragraph (1) or (2) may also be varied or revoked from time to time by, as the case may be—

- (a) the traffic authority in whose area the road is situated by an order under the 1984 Act; or
- (b) the local authority in whose area the road is situated by an order under section 32 of the 1984 Act;

provided that no such order may be made so as to vary or revoke any provision previously made by Merseytravel under this article without the consent of Merseytravel, such consent not to be unreasonably withheld.

(7) Any consent required under this article shall not be unreasonably withheld but before giving any consent under paragraph (2) of this article the traffic authority or the local authority (as the case may be) shall consult such persons as it considers necessary and appropriate and shall take into consideration any representations made to it by any such person.

(8) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.

(9) The powers conferred on Merseytravel by this article with respect to the prohibition of vehicular access to any road shall have effect subject to any agreement entered into by Merseytravel with any person with an interest in premises served by the road.

Power to lop trees overhanging tram system

48.—(1) Merseytravel may fell or lop any tree or shrub near any part of the authorised tram system, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the tram system or any apparatus used for the purposes of the tram system; or
- (b) from constituting a danger to passengers or other persons using the tram system.

(2) In exercising the powers in paragraph (1), Merseytravel shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Nothing in this article shall be taken to affect the application of any tree preservation order made under section 198 of the 1990 Act.

(4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.

Trespass on tramroads

49.—(1) Any person who—

- (a) trespasses on any authorised tramroad; or
- (b) trespasses upon any land of Merseytravel in dangerous proximity to any authorised tramroad or to any electrical or other apparatus used for or in connection with the operation of the authorised tramroads;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person shall be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass upon the tramroads was clearly exhibited and maintained at the tram stop on the authorised tram system nearest the place where the offence is alleged to have been committed.

Power to make byelaws

50.—(1) Merseytravel may make byelaws regulating the use and operation of, and travel on, the authorised tram system, the maintenance of order on the authorised tram system and on tram system premises or other facilities provided in connection with the authorised tram system and the conduct of all persons, including employees of Merseytravel, while on the authorised tram system or on tram system premises.

(2) Without prejudice to the generality of paragraph (1), byelaws under this article may make provision—

- (a) with respect to tickets issued for travel on the authorised tram system, the payment of fares and charges and the evasion of payment of fares and charges;
- (b) with respect to interference with, or obstruction of, the operation of the authorised tram system or other facilities provided in connection with the authorised tram system;
- (c) with respect to access to and the carriage, use or consumption of anything on tram system premises;
- (d) with respect to the prevention of nuisances on tram system premises;
- (e) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within tram system premises;
- (f) for the safe custody and re-delivery or disposal of any property accidentally left on tram system premises and for fixing the charges made in respect of any such property;
- (g) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any part of the authorised tram system or on tram system premises; and
- (h) subject to article 19(6)(a), for regulating (but not requiring) the maintenance of the façades of buildings to which any equipment has been attached pursuant to article 19 above.

(3) In paragraphs (1) and (2) references to “tram system premises” are references to premises of Merseytravel used for or in connection with the operation of the authorised tram system including any depot or building and any tramcar.

(4) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (4), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public, or hindrance to Merseytravel in the operation of the tram system, Merseytravel may summarily take action to obviate or remove the danger, annoyance or hindrance.

(6) Before making any byelaws under this article Merseytravel shall consult the Council on the proposed byelaws.

(7) Byelaws under this article shall not come into operation until they have been confirmed by the Secretary of State.

(8) At least 28 days before applying for any byelaws to be confirmed under this article, Merseytravel shall publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(9) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws shall be kept at the principal office of Merseytravel and shall at all reasonable hours be open to public inspection without payment.

(10) Merseytravel shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as Merseytravel may determine.

(11) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiry of 28 days after the date on which they were confirmed.

(12) The Secretary of State may charge Merseytravel such fees in respect of any byelaws submitted for confirmation under this article as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.

(13) A copy of the byelaws when confirmed shall be printed and deposited at the principal office of Merseytravel and shall at all reasonable hours be open to public inspection without payment, and Merseytravel shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as Merseytravel shall determine.

(14) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by Merseytravel stating—

- (a) that the byelaws were made by Merseytravel;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation;

shall be *prima facie* evidence of the facts stated in the certificate.

(15) In this article—

- (a) “building” includes any structure and a bridge or aqueduct; and

- (b) “the Council” means Liverpool City Council in relation to its area and Knowsley Metropolitan Borough Council in relation to its area.

Power to contract for police services

51.—(1) Merseytravel may enter into any agreement with a police authority and its chief officer of police for the police force maintained by that authority to provide policing services for or in connection with the authorised tram system, including at any tram system premises.

(2) Any such agreement may provide for—

- (a) Merseytravel to make such payment or other consideration for those policing services as the parties may agree; and
(b) such incidental and ancillary matters as the parties consider appropriate.

(3) In this article—

- (a) “chief officer of police” means a chief officer of police within the meaning of the Police Act 1996⁽³¹⁾ or the Chief Constable of the British Transport Police Force;
(b) “police authority” means a police authority within the meaning of that Act or the British Transport Police Authority; and
(c) “tram system premises” means any premises of Merseytravel used for or in connection with the operation of the authorised tram system, including the operations and control centre, any other building and any tramcar.

Powers of disposal, agreements for operation, etc.

52.—(1) Merseytravel may, with the consent of the Secretary of State, sell, lease, charge or otherwise dispose of, on such terms and conditions as it thinks fit, the whole or any part of the authorised works and any land held in connection therewith or the right to operate the authorised works under this Order.

(2) Without prejudice to the generality of paragraph (1), Merseytravel may enter into and carry into effect agreements with respect to any of the following matters, namely, the construction, maintenance, use and operation of the authorised works, or any part or parts of them, by any other person, and other matters incidental or subsidiary thereto or consequential thereon, and the defraying of, or the making of contributions towards, the cost of the matters aforesaid by Merseytravel or any other person.

(3) Any agreement under subsection (2) may provide among other things for the exercise of the powers of Merseytravel in respect of the authorised works or any part or parts thereof, and for the transfer to any person of the authorised works or any part or parts thereof together with the rights and obligations of Merseytravel in relation thereto.

(4) The exercise of the powers of any enactment by any person in pursuance of any sale, lease, charge or disposal under paragraph (1), or any agreement under paragraph (2), shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by Merseytravel

Application of landlord and tenant law

53.—(1) This article applies to any agreement for leasing to any person the whole or any part of the authorised tram system or the right to operate the same, and any agreement entered into by Merseytravel with any person for the construction, maintenance, use or operation of the authorised tram system, or any part of it, so far as any such agreement relates to the terms on which any land

(31) 1996 c. 16.

which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Tramcars deemed public service vehicles

54.—(1) On such day as may be appointed under paragraph (2), regulations made, or having effect as if made, under sections 24, 25 or 60(1)(j) or (k) of the Public Passenger Vehicles Act 1981⁽³²⁾ shall have effect as if the tramcars used on the authorised tram system were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985.

(2) Merseytravel may by resolution appoint a day for the purpose of any regulation mentioned in paragraph (1), the day so appointed being fixed in accordance with paragraph (3).

(3) Merseytravel shall publish in a newspaper circulating in its area, notice—

- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the enactments for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(4) A photostatic or other reproduction certified by the secretary of Merseytravel to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in sub-paragraph 3(b) shall be evidence of the publication of the notice and of the date of publication.

Substitute road services

55.—(1) Merseytravel may provide or secure the provision by other persons of services for the carriage of passengers by road (“substitute services”) where the tram system has been temporarily interrupted, curtailed or discontinued.

(2) The route, frequency and stopping places of any substitute service need not correspond with the route of the interrupted, curtailed or discontinued service.

(3) Section 6 of the Transport Act 1985⁽³³⁾ shall not apply to any substitute services.

⁽³²⁾ 1981 c. 14.

⁽³³⁾ 1985 c. 67.

PART 5

PENALTY FARES

Interpretation of Part 5

56.—(1) In this Part, unless the context otherwise requires—

“authorised person” means, in relation to any purpose, a person authorised for that purpose by Merseytravel;

“fare ticket” means a ticket authorising the person in respect of whom it is issued to travel on a tramcar;

“general travel authority” means any permit, other than a fare ticket, authorising the person in respect of whom it is issued to travel on a tramcar;

“penalty fare” means a penalty fare payable pursuant to article 58;

“the penalty fare provisions” means articles 58 to 63; and

“tram system stop” means a station or other regular stopping place on the authorised tram system at which passengers may get on or off tramcars.

(2) Any reference in this Part to a person producing a fare ticket or general travel authority on being required to do so by an authorised person is a reference to producing, when so required, a fare ticket or general travel authority which, either by itself or together with any other document produced by that person at the same time, is valid for the journey he has made.

(3) For the purposes of paragraph (2), a person who is on a tramcar shall be taken to have made a journey ending at the next scheduled tram system stop.

Operation of Part 5

57.—(1) The penalty fare provisions shall have effect in relation to travel on any tramcar on and after such day as the Secretary of State may specify.

(2) On the application of Merseytravel, or if he suspects on reasonable grounds that Merseytravel is not complying with the requirements of this Part, the Secretary of State may provide that the penalty fare provisions shall cease to have effect on and after such day as he may specify.

(3) Paragraph (2) is without prejudice to the power of the Secretary of State to specify further days on and after which the penalty fare provisions shall have effect.

(4) Any day specified by the Secretary of State for the purposes of paragraph (1) or (2) shall be published in a newspaper circulating in Merseytravel’s area not later than one week before that date.

(5) No day may be specified under paragraph (1) except at the request of Merseytravel.

Penalty fares

58.—(1) If a person travelling on a tramcar, on being required to do so by an authorised person, fails to produce a fare ticket or a general travel authority, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) A person shall not be liable to pay a penalty fare if at the tram system stop where, and the time when, he boarded the tramcar and if on the tramcar there were no facilities for the sale of the necessary fare ticket for his journey.

(3) Paragraphs (4) and (5) have effect with respect to the burden of proof in any action for the recovery of a penalty fare under this article so far as concerns the question whether the facts of the case fall within paragraph (2).

(4) In any case where the defendant has provided the plaintiff with a relevant statement in due time it shall be for the plaintiff to show that the facts of the case do not fall within paragraph (2), and in any other case it shall be for the defendant to show that the facts of the case fall within that provision.

(5) For the purposes of paragraph (4)—

- (a) a relevant statement is a statement giving an explanation of the defendant’s failure to produce a fare ticket or general travel authority, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the tram system stop where he boarded the tramcar); and
- (b) a statement is provided in due time if it is provided when the defendant is required to produce a fare ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

Amount of penalty fare

59.—(1) Subject to paragraph (2), a penalty fare shall be £10 and shall be payable to Merseytravel before the expiration of the period of 21 days beginning with the day following the day on which the journey in respect of which it is payable is completed.

(2) Merseytravel may from time to time vary the amount of the penalty fare provided that—

- (a) the consent of the Secretary of State is obtained in writing to such a variation; and
- (b) a notice stating the amount of the penalty fare as so varied is published in a newspaper circulating in Merseytravel’s area not later than 28 days before the day on which the penalty fare, as so varied, is to take effect.

Document to be issued in connection with penalty fare requirement

60.—(1) An authorised person who requires a person (referred to below as “the passenger”) to pay a penalty fare shall give him either a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person) or a notice stating that the requirement has been made.

(2) A receipt or notice given under paragraph (1) shall specify the passenger’s destination on the tramcar on which he is travelling when required to pay the penalty fare, and shall operate as an authority to him to complete his journey to that destination.

(3) For the purposes of paragraph (2), the passenger’s destination shall (unless only one destination is possible in the circumstances) be taken to be the destination stated by the passenger or, in default of any statement by him identifying his destination, such destination as may be specified by the authorised person.

Notice of penalty fare provisions

61.—(1) It shall be the duty of Merseytravel to secure that a warning notice meeting the requirements of paragraph (2) shall be posted—

- (a) at every tram system stop, in such a position as to be readily visible to prospective passengers; and
- (b) in every tramcar, in such a position as to be readily visible to passengers travelling on that tramcar.

(2) A warning notice posted pursuant to paragraph (1) shall (however expressed) indicate the circumstances (as provided in article 58) in which persons travelling on a tramcar may be liable to pay a penalty fare and state the amount of the penalty fare.

Supplementary provisions

62.—(1) A person who is required to pay a penalty fare shall, unless he pays, immediately and in cash, the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that person requires him to do so, his name and address; and any person failing to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Where an authorised person requires any person to do anything pursuant to any provision of this Order he shall, if so requested by the person concerned, produce to that person a duly authenticated document showing his authority; and a requirement by an authorised person shall be of no effect if, as respects that requirement, he fails to comply with this paragraph.

Exclusion of double liability

63.—(1) Where a person has become liable to pay a penalty fare in respect of any journey (referred to below as “the relevant journey”), no proceedings may be brought against him for either of the offences specified in paragraph (2) before the end of the period mentioned in article 59(1); and no such proceedings may be brought after the end of that period if—

- (a) he has paid the penalty fare to Merseytravel before the end of that period; or
- (b) an action has been brought against him for the recovery of that fare.

(2) The offences mentioned in paragraph (1) are—

- (a) any offence under byelaws made under article 50 involving a failure to obtain or produce a fare ticket or general travel authority for the relevant journey; and
- (b) any offence under section 25(3) of the Public Passenger Vehicles Act 1981⁽³⁴⁾ of contravening or failing to comply with any provision of regulations for the time being having effect by virtue of that section by failing to pay the fare properly payable for the relevant journey or any part of it.

(3) If proceedings are brought against any such person for any such offence he shall cease to be liable to pay the penalty fare and, if he has paid it, Merseytravel shall be liable to repay to him an amount equal to the amount of that fare.

PART 6

PROTECTIVE PROVISION

Statutory undertakers, etc.

64. The provisions of Schedule 11 to this Order shall have effect.

Minerals

65. Nothing in this Order shall affect the right of any person entitled to any mine or minerals of any description whatsoever under a street along which any authorised street tramway is laid to work the mine or get the minerals; but this shall not affect any liability (whether civil or criminal) of the person so entitled in respect of damage to the authorised street tramway resulting from the exercise of any such right.

(34) 1981 c. 14.

Saving for highway authorities

66. Nothing in this Order shall affect any power of a highway authority to widen, alter, divert or improve any highway along which a street tramway is laid.

Arrangements with highway authorities

67.—(1) The following provisions shall, unless otherwise agreed in writing between Merseytravel and the highway authority concerned, have effect.

(2) In this article—

“highway” means a street vested in or maintainable by the highway authority;

“highway operations” means the construction or non-routine maintenance of any part of the authorised works which will involve interference with a highway or the traffic in a highway, any temporary stopping up, alteration or diversion of a highway, any occupation of the surface of a highway or any placing of equipment or apparatus in a highway; and

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

(3) Wherever in this article provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the highway authority may require in the interests of safety and in order to minimise inconvenience to persons using the highway, but shall not be unreasonably withheld.

(4) Prior to seeking approval under paragraph (6), Merseytravel shall consult the highway authority concerned as to any works to and changes in the management of the highway network which may be required to ensure the effective integration of the authorised tram system with other forms of highway traffic and, within 28 days of being requested in writing by Merseytravel to do so, the highway authority shall provide Merseytravel with its opinion on the subject.

(5) Prior to seeking approval under paragraph (6) Merseytravel shall consult the highway authority concerned as to the design of any lighting for tram stops, the design and positioning of any poles and brackets required for overhead line equipment and the design of any traffic signalling system for the authorised tram system.

(6) Without prejudice to the application of sections 59 and 60 of the 1991 Act (duty of street authority to co-ordinate and undertakers to co-operate) before commencing any highway operations, Merseytravel shall submit to the highway authority for its approval proper and sufficient plans and shall not commence the highway operations until such plans have been approved or settled by arbitration.

(7) If, within 56 days after any plans have been submitted to a highway authority under paragraph (6), it has not intimated its disapproval and the grounds of disapproval, it shall be deemed to have approved them.

(8) In the event of any disapproval of plans by a highway authority under this paragraph, Merseytravel may re-submit the plans with modifications and, in that event, if the highway authority has not intimated its disapproval and the grounds of disapproval within 28 days of the plans being re-submitted, it shall be deemed to have approved them.

(9) In submitting plans under paragraph (6), Merseytravel shall—

(a) ensure that the design of any lighting for tramcar stops is such as not to cause confusion to highway users operating under normal highway lighting;

(b) ensure that the design and positioning of any poles and brackets required for overhead line equipment and the design of foundations, platforms, road islands, substations, electric lines

and other apparatus are compatible, so far as reasonably practicable, with street furniture vested in the highway authority; and

- (c) ensure that the design of any traffic signalling system for the authorised tram system is fully compatible with traffic signalling for other traffic users whilst achieving appropriate priority signalling for tramcars using the authorised tram system wherever practicable.

(10) Except in an emergency or where reasonably necessary to secure the safety of the public, no direction or instruction shall be given by the highway authority to the contractors, servants or agents of Merseytravel regarding the highway operations without the prior consent in writing of Merseytravel but the highway authority shall not be liable for any additional costs which may be incurred as a result of the giving of instructions or directions pursuant to this paragraph.

(11) To facilitate liaison with Merseytravel, the highway authority concerned shall provide so far as is reasonably practicable a representative to attend meetings arranged by Merseytravel respecting highway operations.

(12) So much of the authorised works as forms part of or is intended to become public highway, or part of any such highway, and which are not street works as respects which the provisions of Part III of the 1991 Act apply, shall be completed in accordance with the reasonable requirements of the highway authority or, in case of difference between Merseytravel and the highway authority as to whether those requirements have been complied with or as to their reasonableness, in accordance with such requirements as may be approved or settled by arbitration.

(13) Merseytravel shall not, except with the consent of the highway authority, alter or interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith, or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway or repairable by them, or the access thereto.

(14) Merseytravel shall not, except with the consent of the highway authority, deposit any soil or materials or stand any vehicle or plant on or over any highway so as to obstruct or render less safe the use of the highway by any person or, except with the like consent, deposit any soil or materials on any highway except within a hoarding.

(15) Merseytravel shall, if reasonably so required by the highway authority, provide and maintain during such time as Merseytravel may occupy any part of a highway for the purpose of the construction of any part of the authorised works, temporary ramps for vehicular traffic or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with the standard recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 2002⁽³⁵⁾ in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.

(16) Merseytravel shall not place any hoardings on any part of any highway except for such period and in such manner as may be reasonably necessary.

(17) Merseytravel shall indemnify the highway authority against any claim which may arise as a result of any subsidence of, or damage to, any highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway, or maintainable by them, which may be caused by, or in consequence of, any act or default of Merseytravel, its contractors, servants or agents.

(18) Unless otherwise agreed between the parties any difference arising between Merseytravel and the highway authority under this article (other than a difference as to its meaning or construction) shall be determined by arbitration.

(35) S.I. 2002/3113.

For protection of the Environment Agency

68.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the following provisions shall, unless otherwise agreed in writing between Merseytravel and the Agency, have effect.

(2) Before carrying out any works under the powers of this Order involving the erection or raising of any obstruction to the flow of any watercourse or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the authorised tram system, Merseytravel shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the said plans have been approved in writing by the Agency.

(3) The approval of plans furnished under this article shall not be unreasonably withheld and if, within two months of such plans being supplied to the Agency, the Agency does not indicate in writing its disapproval and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied.

(4) For the purposes of this article, “plans” includes sections, drawings, specifications, calculations and descriptions.

(5) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for purposes of or in connection with the authorised tram system and constructed under the powers of this Order shall be maintained by Merseytravel in good repair and condition and free from obstruction.

(6) Nothing in this article shall have the effect of requiring Merseytravel to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person are liable to maintain.

(7) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article Merseytravel shall, upon receiving notice from the Agency, take such action as may be necessary to remedy the effect of the contravention to the Agency’s satisfaction and in default the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from Merseytravel as a debt due from it to the Agency.

For protection of specified undertakers

69. The provisions of Schedule 12 to this Order shall have effect.

For protection of British Waterways Board

70. The provisions of Schedule 13 to this Order shall have effect.

PART 7

MISCELLANEOUS AND GENERAL

Street and market traders

71.—(1) Where Merseytravel considers that the carrying on within any part of a street within the Order limits by the holder of a public markets licence, a street trader’s licence or a street trading consent, of the trading permitted by that licence or consent, would prevent or seriously impede the construction or maintenance of the authorised works or the safe operation of the authorised street tramway, Merseytravel may—

- (a) revoke that licence or consent, as the case may be, if it only permits trading in a street in which the tram system is or is to be laid or in any street having a junction with such a street; or
 - (b) with the consent of the Council, vary the principal or the subsidiary terms of that licence or the conditions of that consent, as the case may be.
- (2) The principal or subsidiary terms of a street trader’s licence or the conditions of a street trading consent may be varied by Merseytravel under paragraph (1) so that the licence or consent, as the case may be, permits trading in a street which is beyond a street in which the tram system is or is to be laid or any street having a junction with such a street.
- (3) Merseytravel shall serve written notice of any such revocation or variation on the licence-holder or the holder of the consent in question not less than 28 days before the revocation or variation is to take effect.
- (4) Where Merseytravel revokes a street trader’s licence under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of—
- (a) any fee paid for the grant or renewal of the licence; or
 - (b) any charges recoverable by them under paragraph 9(6) of Schedule 4 to the 1982 Act.
- (5) Where Merseytravel revokes a public markets licence or a street trading consent under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of any fee paid for the grant or renewal of the licence or consent.
- (6) No legal proceedings whatever may be taken against the Council in relation to any consent given under paragraph (1)(b) except where the Council or any employee, contractor or agent of the Council has acted negligently in giving that consent.
- (7) Merseytravel shall pay compensation to any person who suffers any loss or damage from the exercise of the powers conferred by paragraph (1) and in assessing the amount of any such compensation there shall be taken into account any money paid to that person pursuant to paragraph (4) or (5).
- (8) Any dispute as to a person’s entitlement to compensation under paragraph (7), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.
- (9) In this article—
- “the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982(36);
 - “the Council” means Liverpool City Council in relation to its area and Knowsley Metropolitan Borough Council in relation to its area, and in each case includes the Council’s employees, agents and contractors;
 - “public markets licence” means a licence to trade at any street market granted to any person by the Council pursuant to its rights under any Royal Charter or enactment;
 - “street trading consent” means a consent to trade in a street granted to any person by the Council pursuant to Schedule 4 to the 1982 Act; and
 - “street trader’s licence” means a licence to trade in a street granted to any person by the Council pursuant to Schedule 4 to the 1982 Act or any other enactment.

Disclosure of confidential information

72. A person who—

- (a) enters a factory, workshop or workplace in pursuance of the provisions of article 22 or article 25; and

- (b) discloses to any person any information obtained by him relating to any manufacturing process or trade secret;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter the land.

Defence to proceedings in respect of statutory nuisance

73.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990⁽³⁷⁾ (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by Merseytravel for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works and that the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974⁽³⁸⁾; or
 - (b) that the nuisance is a consequence of the operation of the works authorised by this Order and that it cannot reasonably be avoided.
- (2) The following provisions of the Control of Pollution Act 1974, namely—
- (a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990); and
 - (b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded);

shall not apply where the consent relates to the use of premises by Merseytravel for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) The provisions of this article are without prejudice to any rule of common law having similar effect.

Certification of plans, etc.

74. Merseytravel shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the works and land plans and the traffic regulation order plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the works and land plans and the traffic regulation order plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

75.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

⁽³⁷⁾ 1990 c. 43.

⁽³⁸⁾ 1974 c. 40.

(3) For the purposes of section 7 of the Interpretation Act 1978(39) as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

76. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Arbitration

77. Unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State

Ellis Harvey
Head of the Transport and Works Act Orders
Unit
Department for Transport

21st January 2005

SCHEDULES

SCHEDULE 1

Articles 2(1) and 5

SCHEDULED WORKS

<i>(1)</i> Number of Work	<i>(2)</i> Description of Work
In the City of Liverpool	
Work No. 1	A tramroad 530 metres in length (double line), commencing 77 metres north of Queen's Wharf in King's Waterfront and running north along King's Waterfront, turning east along Gower Street and terminating at the highway boundary at the junction of Wapping and Gower Street. This work includes the new bridge works over Duke's Dock (length of work 31 metres and span clearance 23.5 metres) and Salthouse Dock (length of work 43 metres and span clearance 33 metres) on which the tramroad will be supported.
Work No. 1A	A tramroad 147 metres in length (double line), commencing 77 metres north of Queen's Wharf in King's Waterfront and running north along King's Waterfront and terminating at the junction with Work No. 1
Work No. 2	A tramroad 471 metres in length (double line), commencing at the termination of Work No. 1, turning north and running along Wapping and Strand Street and terminating at the highway boundary opposite the junction of Strand Street and Redcross Street.
Work No. 2A	A new highway 49 metres in length between Park Lane and Paradise Street to provide access from Liver Street to Paradise Street.
Work No. 3	A tramroad 91 metres in length (double line), commencing at the termination of Work No. 2 and running north along Strand Street and terminating at a point 16 metres south of the junction of Strand Street and Mann Island.
Work No. 4	A tramway 219 metres in length (double line), commencing at the termination of Work No. 3 and running west along Mann Island and north into George's Pierhead and terminating at a

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	point 25 metres north of the junction of Mann Island and George's Pierhead.
Work No. 5	A tramroad 69 metres in length (double line), commencing at the termination of Work No. 4 and running north along George's Pierhead and terminating 11 metres south of the junction of George's Pierhead and Brunswick Street.
Work No. 6	A tramway 1,029 metres in length (double line), commencing at the termination of Work No. 5 and crossing George's Pierhead into Water Street and running east along Water Street and Dale Street before terminating 5 metres east of the junction of Dale Street and North Street.
Work No. 6A	Demolition of the Churchill Way South Flyover (length of works 541 metres).
Work No. 7	A tramroad 90 metres in length (double line), commencing at the termination of Work No. 6 and running east along Dale Street and terminating 24 metres east of the junction of Dale Street (Queensway) and Fontenoy Street.
Work No. 7A	A new highway 18 metres in length between Cuerden Street and Byrom Street to provide access from Cuerden Street to Byrom Street.
Work No. 8	A tramway 65 metres in length (double line), commencing in Wapping at the junction with Work No. 2 and crossing Wapping into Canning Place and terminating at the highway boundary to the north-west of the junction of Strand Street and Canning Place.
Work No. 8A	A tramway 71 metres in length (double line), commencing in Strand Street at the junction with Work No. 2 and turning south and east across Wapping into Canning Place and terminating at the junction with Work No. 8B.
Work No. 8B	A tramroad 5 metres in length (double line), commencing to the north of Canning Place at the termination of Work No. 8A running east and terminating at the junction with Work No. 8C.
Work No. 8C	A tramroad 206 metres in length (double line), commencing in Canning Place at the termination of Work No. 8 and running east along Canning Place and Hanover Street terminating at the highway boundary at the junction of Hanover Street and Paradise Street.

<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No. 8D	A tramway 868 metres in length (double line), commencing at the termination of Work No. 8C and running north-east along Paradise Street, Whitechapel and Old Haymarket before crossing Old Haymarket into Dale Street and terminating at the junction with Work No. 7 and Work No. 9.
Work No. 8E	A tramway 53 metres in length (double line), commencing in Whitechapel at the junction with Work No. 8D and turning east into St John's Lane and terminating at the junction with Work No. 9B.
Work No. 9	A tramway 1,067 metres in length (double line), commencing in Old Haymarket at the junction with Work Nos. 7 and 8D, turning east into William Brown Street and running east along William Brown Street and London Road before crossing Daulby Street and terminating 20 metres east of the junction of Daulby Street and Prescott Street.
Work No. 9A	A tramway 70 metres in length (double line), commencing in Old Haymarket at the junction with Work No.8D and turning north-east into William Brown Street and terminating at the junction with Work No.9.
Work No. 9B	A tramway 467 metres in length (double line), commencing in William Brown Street at the junction with Work No. 9 and turning south along Lime Street then north-west along St. George's Place and finally north into Old Haymarket and terminating at the junction with Work No. 8D, incorporating at St. George's Place and Lime Street provision for junctions to be added for future lines.
Work No. 9C	A tramway 61 metres in length (double line), commencing in Lime Street at the junction with Work No. 9B, turning east into London Road and terminating at the junction with Work No. 9.
Work No. 9D	A new highway 30 metres in length between Back Commutation Row and Camden Street to provide access between Back Commutation Row and Camden Street.
Work No. 9E	A new highway 41 metres in length between Fraser Street and Wilde Street to provide access between Fraser Street and Wilde Street.

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No. 9F	A new highway 11 metres in length between Oakes Street and Norman Street to provide access to Norman Street from Oakes Street.
Work No. 10	A tramroad 314 metres in length (double line), commencing at the termination of Work No. 9 and running east along Prescott Street, turning north crossing Prescott Street and through the former Blake's Garage site before crossing Erskine Street and terminating 18 metres south-west of the junction of Erskine Street and Brunswick Road.
Work No. 11	A tramway 318 metres in length (double line), commencing at the termination of Work No. 10, turning north-east into Brunswick Road and running along Brunswick Road and terminating at the highway boundary on the west side of the junction of Brunswick Road and Everton Road.
Work No. 12	A tramroad 454 metres in length (double line), commencing at the termination of Work No. 11 and running east on a line to the north of West Derby Road and terminating at the highway boundary on the west side of Kilshaw Street.
Work No. 13	A tramway 6,602 metres in length (double line), commencing at the termination of Work No. 12 running east and crossing into the existing south carriageway of West Derby Road and running east along West Derby Road, Rocky Lane and West Derby Road before turning north-east into Muirhead Avenue and running north-east along the central reserve of Muirhead Avenue and turning north-west into Queen's Drive West Derby and running north-west along Queen's Drive West Derby, north along Townsend Avenue, north-east along Utting Avenue East and Storrington Avenue, before turning north-west into Stonebridge Lane and terminating at the highway boundary on the east side of Stonebridge Lane 28 metres north of the junction with Storrington Avenue.
Work No. 13A	Bridge works to Townsend Avenue/Utting Avenue Sustrans cycle track, including raising the bridge by 750 mm and re-grading the cycle track either side. Length of work 66 metres.
Work No. 14	A tramroad 853 metres in length (double line), commencing at the termination of Work No. 13 and running north-west parallel with

<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	Stonebridge Lane and turning east onto East Lancashire Road and running in the north verge and terminating 140 metres to the east of the Stonebridge Lane and East Lancashire Road junction. This work also includes new bridge works over the River Alt (length of work 17 metres and span clearance 4.2 metres).
Work No. 14A	A new highway 72 metres in length connecting Shard Close with Stonebridge Lane to provide access to Shard Close from Stonebridge Lane.
Work No. 15	A tramway 626 metres in length (double line), commencing at the termination of Work No. 14 and running east parallel with East Lancashire Road and terminating 10 metres east of the junction of East Lancashire Road and Back Gillmoss Lane.
Work No. 15A	A tramway 29 metres in length (double line), commencing at a point 240 metres west of the junction of Back Gillmoss Lane and East Lancashire Road and running north-east terminating at the highway boundary 212 metres from the junction of Back Gillmoss Lane and East Lancashire Road.
Work No. 15B	A tramroad 156 metres in length (double line), commencing at the termination of Work No. 15A and running east along East Lancashire Road and terminating at the highway boundary 60 metres west of the junction of Back Gillmoss Lane and East Lancashire Road.
Work No. 15C	A tramway 29 metres in length (double line), commencing at the termination of Work No.15B and running east into Work No. 15 terminating at a point 28 metres west of the junction of Back Gillmoss Lane and East Lancashire Road.
Work No. 16	A tramroad 120 metres in length (double line), commencing at a point on the East Lancashire Road 75 metres west of the junction of Back Gillmoss Lane and East Lancashire Road turning north and running parallel to Back Gillmoss Lane terminating at the highway boundary 15 metres north of Canberra Lane and Back Gillmoss Lane junction.
Work No. 16A	A tramway 119 metres in length (double line), commencing at the termination of Work No. 16 and running north along Back Gillmoss Lane

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	before turning west and terminating at the highway boundary 26 metres south of the Carraway Road and Back Gillmoss Lane junction.
Work No. 16B	A tramroad 65 metres in length (double line), commencing at the termination of Work No. 16A and running west parallel to Carraway Road and terminating at a point 15 metres west of Carraway Road and Hermes Road junction.
Work No. 16C	A tramroad 1,099 metres in length (single line with multiple sidings), commencing at the termination of Work No. 16B and extending around the former GEC site terminating at a point 34 metres west and 36 metres south of the commencement point.
Work No. 16D	A tramroad 93 metres in length (double line), commencing at a point 25 metres east of the junction of Back Gillmoss Lane and East Lancashire Road turning north and running parallel to Back Gillmoss Lane terminating at a point on Work No. 16, 17 metres south of the junction of Canberra Lane and Back Gillmoss Lane.
Work No. 16E	A new highway 721 metres in length between Stonebridge Lane and Hermes Road to provide access to the operations and control centre from Stonebridge Lane.
Work No. 17	A tramroad 482 metres in length (double line), commencing at the termination of Work No. 15 and running east, parallel with East Lancashire Road, and terminating at the highway boundary of the A580 Slip Road.
In the City of Liverpool and in the Metropolitan Borough of Knowsley	
Work No. 18	A tramway 884 metres in length (double line), commencing at the termination of Work No. 17 and running east, parallel to East Lancashire Road, and terminating 210 metres west of the junction of East Lancashire Road and Moorgate Road. This work also includes new bridge works over Croxteth Brook (length of work 20 metres and span clearance 5.6 metres) and Knowsley Brook (length of work 27 metres and span clearance 19 metres).
In the Metropolitan Borough of Knowsley	
Work No. 19	A tramroad 155 metres in length (double line), commencing at the termination of Work No. 18

<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
	and turning north-east towards Moorgate Road and terminating at the highway boundary on the south side of Ribbler's Lane 50 metres south-west of the junction of Moorgate Road and Ribbler's Lane.
Work No. 20	A tramway 160 metres in length (double line), commencing at the termination of Work No. 19 and running north-east along Moorgate Road and terminating 110 metres north of Ribbler's Lane and Moorgate Road junction.
Work No. 21	A tramroad 152 metres in length (double line), commencing at the termination of Work No. 20 and running north-east along Moorgate Road and terminating 30 metres from Hartwood Close T junction.
Work No. 22	A tramway 951 metres in length (double line), commencing at the termination of Work No. 21 and running north-east along Moorgate Road terminating at a point on the west side of Moorgate Road 78 metres south-west of the junction of Moorgate Road and County Road.
Work No. 22A	A new highway 138 metres in length, commencing at a point 25 metres east of Sedburn Road and terminating at the south end of Shaldon Close to provide a turning head on Shaldon Close.
Work No. 23	A tramroad 431 metres in length (double line), commencing at the termination of Work No. 22 and running off Moorgate Road, turning north-west running along a line to the south of County Road and terminating at the highway boundary on the south side of County Road 120 metres north-west of the junction of County Road and Broad Lane.
Work No. 24	A tramway 865 metres in length (double line), commencing at the termination of Work No. 23 and running north-west along County Road before turning south-west into Webster Drive and terminating at the highway boundary on the north side of Webster Drive 20 metres south-west of the junction of County Road and Webster Drive.
Work No. 25	A tramroad 69 metres in length (double line), commencing at the termination of Work No. 24 and running south-west along a line to the north-west of Webster Drive and terminating at the highway boundary on the north side of

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<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No. 26	Webster Drive 30 metres south-west of the junction of Webster Drive and Thistle Hey Road. A tramway 335 metres in length (double line), commencing at the termination of Work No. 25 and running south-west along Webster Drive and north-west along Cherryfield Drive and terminating at the highway boundary on the south side of Cherryfield Drive 18 metres west of the junction of Cherryfield Drive and South Parade.
Work No.26A	A new highway 13 metres in length between Eagles Court and Cherryfield Crescent to provide access between Eagles Court and Cherryfield Crescent.
Work No. 26B	A new highway 71 metres in length running south-west between unnamed road off St Chad's Drive opposite the Fire Station and the unnamed access road to back of government office to provide access to car park off Webster Drive.
Work No. 27	A tramroad 134 metres in length (double line), commencing at the termination of Work No. 26 and running north-west parallel to the south of Cherryfield Drive and terminating at the highway boundary on the east side of Cherryfield Crescent.

SCHEDULE 2

Articles 2(1), 5 and 29

ADDITIONAL LAND WHICH MAY BE ACQUIRED OR USED

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which land may be acquired</i>
East Lancashire Road/Back Gillmoss Lane	684, 685, 686, 687, 688, 689	Park & Ride and associated infrastructure

SCHEDULE 3

Article 29

LAND NOT TO BE ACQUIRED COMPULSORILY

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>
Pier Head, Liverpool City centre	50
Grant Gardens, Everton Road, Liverpool	434
West Derby Road, Liverpool	436, 439, 447, 450, 452, 456, 457, 461, 463 and 466
Stonebridge Lane, Liverpool	642 and 649
East Lancashire Road, Liverpool	669
County Road, Kirkby	773, 781 and 784

Key to Schedules 4 and 5

FS	Footway realignment
NP	Creation of new way
NS	Narrowing of street by bringing forward kerbline
PB	Parking bay creation
RS	Realignment of street
SS	Stopping up of street
WE	Kerb line modification
WS	Widening of street by setting back of kerb line

SCHEDULE 4

Article 8

STREETS SUBJECT TO ALTERATION OF LAYOUT

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
In the City of Liverpool	
Gower Street	Realign street to south between RS1 and RS2. Modify kerb layout to modify car park entrance at WE1 and WE2.
Salthouse Quay	Modify kerb layout at WE3 to tie in with Gower Street realignment.
Wapping	Realign street between RS3 and RS4.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
	Bring the west kerb of the northbound carriageway out into the road between NS1 and NS2.
Liver Street	Set back the north side kerbs between WS1 and WS2 to widen street.
Paradise Street	<p>Realign street between RS5 and RS6.</p> <p>Realign street between Park Lane and Price Street junction, between RS7 and RS8, to create a new passage.</p>
Cleveland Square	Modify the kerb on the entry to Cleveland Square/exit from Paradise Street at WE4.
Hanover Street	<p>Create new way between NP1 and NP2.</p> <p>Realign street between Canning Place at RS9 and Manesty’s Lane at RS10.</p>
Strand Street	<p>Realign footway between FS1 and FS2 to west to run parallel to tram alignment.</p> <p>Modify the kerbs from the head of Hartley Quay between WE5 along Strand Street to WE5A.</p>
Mann Island	<p>Realign Mann Island between RS11 and RS12.</p> <p>Modify the island at WE6 on the north-western corner of Mann Island and southern end of George’s Pierhead to create turning head.</p>
Goree and The Strand	Realign junctions at RS13 and RS14.
Water Street	<p>Extend the kerb at WE7 to tie James Street kerb line in with new alignment of The Strand.</p> <p>Narrow street between NS3 and NS4.</p>
	Set south kerbs forward to create space for tram alignment.
	Realign the street between RS15 and RS16 to tie in with tram alignment.
	Set the north side kerbs forward, between NS5 and NS6.
	Modify the kerb line at WE8 and WE9 to channel traffic across tram alignment.
Exchange Street East	Bring east side kerb forward between NS7 and NS8.

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Dale Street	<p>Realign Dale Street between RS17 and RS18.</p> <p>Narrow Dale Street between NS9 and NS10.</p> <p>Modify kerbline at WE10 and WE10A to link Exchange Passage West and Exchange Street West, and Exchange Passage East.</p> <p>Extend the kerb at WE11, Moorfields and Dale Street junction.</p> <p>Realign the kerb at WE12, Crosshall Street and Dale Street junction.</p> <p>Realign between RS19 and RS20.</p>
Victoria Street	<p>Realign junction with Crosshall Street at RS21.</p> <p>Realign junction with Sir Thomas Street at RS22.</p>
Whitechapel	<p>Realign Whitechapel between Sir Thomas Street at RS23 and The Observatory at RS24.</p>
Old Haymarket & Byrom Street	<p>Completely realign the highway including junctions between RS25 and RS26 including Victoria Street, Old Haymarket and Byrom Street.</p>
St John's Lane & St George's Place	<p>Realign St George's Place between RS27 and RS28.</p>
William Brown Street	<p>Modify the kerb between WE13 and WE14.</p> <p>Remove the pavement at NP9.</p> <p>Create a new way between NP10 and NP11.</p> <p>Create disabled parking bays at PB3 and PB4.</p>
Lime Street	<p>Realign between RS29 and onto Commutation Row at RS30.</p> <p>Convert dual carriageway to single carriageway.</p> <p>Narrow the street between NS11 and NS12.</p>
Commutation Row	<p>Narrow the street between NS13 and NS14.</p>
Churchill Way	<p>Widen the road between WS3 and WS4 at eastern entrance/exit to Churchill Way.</p>
Cuerden Street	<p>Create parking bays (including bus laybys) between PB1 and PB2.</p>

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
London Road	<p>Realign between RS31 and RS32.</p> <p>Realign between RS33 and RS34 to run two way traffic along north-westbound carriageway.</p>
Anson Street	<p>Realign between Stafford Street at RS35, and onto Prescott Street, just north of Royal Liverpool University Hospital at RS36.</p> <p>Realign footway between FS3 and FS4 to north to run parallel to tramway alignment.</p>
Norton Street	Narrow street at NS14A.
Shepherd Street	Widen street between WS5 and WS5A.
Erskine Street	Modify kerblines between WE15 and WE15A.
Brunswick Road	<p>Realign kerbs along the link road to Brunswick Road between RS37 and RS38.</p> <p>Create new way between NP22 and NP23.</p>
West Derby Road	<p>Realign the road between RS39 and RS40 to accommodate tram alignment to north.</p> <p>Realign the road between RS98 and RS99.</p> <p>Narrow the road between NS15 and NS16, bring north kerb forwards.</p> <p>Realign footway between FS5 and FS6 to north-west to run parallel to tram alignment.</p>
West Derby Road	Realign the road between RS41 and RS42.
West Derby Road	Realign between RS43 and RS44.
West Derby Road	Realign the road between RS45 and RS46.
West Derby Road	Realign the road between RS47 and RS48.
West Derby Road	Realign the road from RS49 to RS50.
West Derby Road	Realign the road between RS51 and RS52.
West Derby Road	Run traffic either side of tram alignment.
West Derby Road	<p>Eastbound, north kerb, create parking spaces between PB7 and PB8, PB9 and PB10, PB11 and PB12, PB13 and PB14, and PB15 and PB16.</p>

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
	Eastbound, south kerb, create parking spaces between PB17 and PB18, PB19 and PB20, and PB21 and PB22.
	Westbound, north kerb, create parking spaces between PB23 and PB24, and PB25 and PB26.
	Westbound, south kerb, create parking spaces between PB27 and PB28, PB29 and PB30, and PB31 and PB32.
	Modify kerb from WE16 to WE17.
Walker Street	Modify the kerbs at WE18 and WE19 to improve entrance radii.
Perth Street	Modify kerb line at WE20 to provide a turning head.
Boundary Lane	Modify the entry and exit kerb radii at WE21 and WE22 at junction of Boundary Lane and West Derby Road.
Rocky Lane	Set the kerbs back between WS6 and WS7 to widen entrance to Rocky Lane.
Sheil Road	Reduce the kerb radii on the entrance/exit to Sheil Road at WE23 and WE24.
Lisburn Lane	Increase the size of the traffic island at the head of Lisburn Lane at WE25.
Queen's Drive West Derby	Realign the junction with Muirhead Avenue between RS53 and RS54.
	Narrow the north-westbound carriageway between NS17 and NS18.
	Realign the carriageway between Muirhead Avenue from RS55 to Townsend Lane at RS56 (Queen's Drive West Walton).
	Widen the road on the north-westbound carriageway between WS8 to WS9.
Townsend Avenue	Realign the carriageway between RS57 and RS58.
	Reduce the length of the central reservation at WE26.
	Completely realign junction between RS59 and RS60 at the junction of Townsend Avenue and Utting Avenue East.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Utting Avenue East	<p>Build out kerb at WE27 to tie in with realigned junction.</p> <p>Build out kerb between WE28 and WE29 to tie in with realigned junction.</p> <p>Realign the entire junction of Utting Avenue East and Parthenon and Lorenzo Drives between RS61 and RS62.</p> <p>Narrow the north-eastbound carriageway between NS19 and NS20.</p> <p>Narrow the south-westbound carriageway between NS21 and NS22.</p> <p>Narrow the north-eastbound carriageway between NS23 and NS24.</p> <p>Narrow the south-westbound carriageway between NS25 and NS26.</p> <p>Realign the entire junction of Utting Avenue East and Sedgemoor and Lewisham Roads between RS63 and RS64.</p> <p>Narrow the north-eastbound carriageway between NS27 and NS28.</p> <p>Narrow the south-westbound carriageway between NS29 and NS30.</p> <p>Realign the entire junction of Utting Avenue East and Scargreen and Stalisfield Avenues between RS65 and RS66.</p> <p>Narrow the north-eastbound carriageway between NS31 and NS32.</p> <p>Narrow the south-westbound carriageway between NS33 and NS34.</p> <p>Realign the entire junction between RS67 and RS68.</p> <p>North-eastbound, create parking spaces between PB33 and PB34, PB35 and PB36, PB37 and PB38, PB45 and PB46, PB47 and PB48, PB49 and PB50, PB57 and PB58, PB61 and PB62, PB63 and PB64, PB65 and PB66, PB67 and PB68, PB69 and PB70, PB79 and</p>

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
	<p>PB80, PB81 and PB82, PB83 and PB84, PB85 and PB86, PB87 and PB88, and PB89 and PB90.</p> <p>South-westbound, create parking spaces between PB39 and PB40, PB41 and PB42, PB43 and PB44, PB51 and PB52, PB53 and PB54, PB55 and PB56, PB59 and PB60, PB71 and PB72, PB73 and PB74, PB75 and PB76, PB77 and PB78, PB91 and PB92, PB93 and PB94, PB95 and PB96, PB97 and PB98, and PB99 and PB100.</p>
Storrington Avenue	<p>Set back the kerbs on the north-eastbound carriageway between WS10 and WS11.</p> <p>Set back the kerbs on the south-westbound carriageway between WS12 and WS13.</p> <p>Realign the junction of Storrington Avenue and Stonebridge Lane at RS69.</p>
East Lancashire Road and Back Gillmoss Lane	Modify kerb between WE30 and WE30A.
Stonebridge Lane	Realign footway between FS7 and FS8 to east to run parallel to tram alignment.
East Lancashire Road	<p>Re-model junction of Stonebridge Lane and East Lancashire Road at RS70.</p> <p>Modify kerb between WE32 and WE33.</p> <p>Realign footpath between FS16A and FS16B.</p>
In the Metropolitan Borough of Knowsley	
	<p>Modify the kerb at WE45 and WE46 to provide slips to accesses at Shrog’s Farm and Radshaw Nook.</p> <p>Realign M57 sliproad between RS73 and RS74.</p>
Ribbler’s Lane	Realign footway between FS17 and FS18 to south to run parallel to tram alignment.
Moorgate Road	<p>Realign the slip road between RS75 and RS76.</p> <p>Realign footway between FS9 and FS10 to north-west to run parallel to tram alignment.</p>
	Realign footway between FS11 and FS12 to north-west to run parallel to tram alignment.
	Modify the traffic island at WE34 at the junction of Moorgate Road and Ribbler’s Lane.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
	<p>Realign the highway between RS77 and RS78 including the creation of new bus laybys.</p> <p>Realign the road between RS79 and RS80 to enable tram lines to be run along west side of Moorgate Road including the creation of bus laybys.</p> <p>Modify the kerb radii at WE35 at junction of Moorgate Road and Bewley Drive.</p> <p>Reduce kerb radii to take the exit from Bewley Drive WE36.</p> <p>Modify the kerb line between WE47 and WE48 to provide new turning head for Shaldon Close.</p> <p>Realign between RS81 and RS82, Tokenspire Park to Britonside Avenue including the creation of new bus laybys.</p> <p>Realign between RS83 and RS84, Britonside Avenue to Moorgate Road including the creation of new bus laybys.</p> <p>Modify the kerb radii at WE37 at the junction with Britonside Avenue.</p> <p>Reduce kerb radii at WE38 to channel traffic across tram lines.</p> <p>Realign the road from RS85 to RS86, Knowsley Industrial Park to County Road including the creation of new bus laybys.</p> <p>Create a layby between PB101 and PB102.</p>
County Road	<p>Realign the eastern side of the Broad Lane roundabout at RS87 including entrance radii into Broad Lane.</p> <p>Realign from RS88 to RS89, from County Road roundabout to Park Brow Drive, including the creation of new bus laybys.</p> <p>Modify the kerb radii at WE39, at junction with Park Brow Drive.</p> <p>Reduce kerb radii to take the exit from Park Brow Drive at WE40.</p>

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Webster Drive	Create a new traffic island at WE41.
	Realign the road between RS90 and RS91.
	Realign the road between RS92 and RS93.
	Realign the entire street, between RS94 and RS95.
Cherryfield Drive	Realign footway between FS13 and FS14 to north-west to run parallel to tram alignment.
	Extend the kerblines outwards at WE42.
	Modify the kerb layout at the head of Webster Road at WE44.
St Chad's Drive	Modify the kerb layout at entrance to South Parade at WE45.
	Realign the road between RS96 and RS97 to allow trams and motor vehicles to use same section of road.
	Narrow the road between NS37 and NS38.
	Modify the kerblines at WE43.

SCHEDULE 5

Article 11

STREETS TO BE PERMANENTLY STOPPED UP

PART 1

STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New street to be substituted</i>
In the City of Liverpool		
Canning Place	Close road between SS1 and SS2.	New highway from Paradise Street to Park Lane linking Liver Street to Paradise Street (Work No. 2A).
Cleveland Square	Close the entrance to the cul-de-sac at SS1A.	East end of cul-de-sac opened up at NP2.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New street to be substituted</i>
Moira Street	Close road between SS17 and SS17A.	Shepherd Street to be widened to provide a substitute access.
Back Gillmoss Lane	Close the road between SS41 and SS42.	Service road links Back Gillmoss Lane to Stonebridge Lane.
In the Metropolitan Borough of Knowsley		
Cherryfield Drive	Stop up access to the Golden Eagle Hotel (trading as the Cherryfield Hotel) at SS47.	New access provided on Cherryfield Drive.

PART 2

STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
In the City of Liverpool	
Canning Place	Close street between SS3 and SS3A.
Churchill Way (South Flyover)	Close road between SS8 and SS9.
Radcliffe Street	The entire street.
Aber Street	The entire street.
Lavan Street	The entire street.
Dunkeld Street	The entire street.
Hughes Street	The entire street.
Hambleton Close	Close road between SS34 and SS34A.
Shard Close	Close road between SS35 and SS35A.
	Close road between SS36 and SS36A.
Service roads to north of A580 East Lancashire Road.	Close the roads between SS37 and SS38.
Canberra Lane	The entire road.
Invincible Way	The entire road.

SCHEDULE 6

Article 12

STREETS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
In the City of Liverpool	
Gower Street	From Salthouse Quay to Wapping.
Salthouse Quay	At junction with Gower Street.
Hartley Quay	At junction with Strand Street
Strand Street	At junctions with Canning Place and Water Street.
George's Pierhead	Liverpool Life car park entrance.
	At junction with Water Street.
Water Street	Between Rumford Street and Exchange Street.
	All streets on south side of Water Street.
Canning Place	Between Wapping and Park Lane.
Paradise Street	Between Hanover Street and Wapping.
Dale Street	All streets on north side of Water Street.
Byrom Street	From Churchill Way North to Queensway roundabout.
Cuerden Street	From Commutation Row to Byrom Street.
William Brown Street	Between Old Haymarket and London Road.
St John's Lane	Between Old Haymarket and St George's Place.
Commutation Row	At junction with Lime Street.
London Road	At junction with Norton Street.
	Between Stafford Street and Anson Street.
	At junction with Daulby Street and Prescott Street.
Erskine Street	East of junction with Epworth Street.
Brunswick Road sliproad	At junction with Erskine Street link road.
Everton Road	At junction with West Derby Road.
West Derby Road	In vicinity of Hygeia Street.
Sheil Road	At junction with West Derby Road.
West Derby Road	Between junctions with Buckingham Road and Windsor Road.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
West Derby Road/Muirhead Avenue	North and south side of roundabout with Lisburn Lane.
Queen's Drive West	At junction with Muirhead Avenue.
Derby Road	At junction with Townsend Avenue.
Townsend Avenue/Utting Avenue East Roundabouts	Between Utting Avenue East and Broadway.
Sustrans Cycleway	At crossing of Utting Avenue.
Utting Avenue East	At junction with Parthenon Drive and Lorenzo Drive.
	At junction with Sedgemoor Road and Lewisham Road.
	At junction with Scargreen Avenue and Stalisfield Avenue.
	At junction with Lower House Lane.
Storrington Avenue	At junction with Stonebridge Lane.
Shard Close	At junction with Stonebridge Lane.
Hambleton Close	At junction with Stonebridge Lane.
East Lancashire Road	At junction with Stonebridge Lane.
	At junction with Back Gillmoss Lane.
	At junction with Axis Park (phased).
	At junction with A580 sliproad.
In the Metropolitan Borough of Knowsley	
East Lancashire Road	At junction with M57 sliproad.
	Entrances to Shrog's Farm and Radshaw Nook.
Moorgate Road	At junction with Ribbler's Lane.
	Footpath between Ribbler's Lane and East Lancashire Road.
	At junction with Bewley Drive.
	At junction with Britonside Avenue.
	Footpaths along Moorgate Road.
Broad Lane	At roundabout with County Road.
County Road	At junction with Park Brow Drive.

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Webster Drive	At junction with County Road. At junction with St Chad's Drive. Entrances to Fire Station and Ambulance Station.
Cherryfield Drive	Webster Drive to South Parade.

SCHEDULE 7

Article 32

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without prejudice to the generality of paragraph 1, the Land Compensation Act 1973⁽⁴⁰⁾ shall have effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” there shall be substituted the words “a right over land is purchased”; and
- (b) for the words “acquired or taken from him” there shall be substituted the words “over which the right is exercisable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there shall be substituted the words “a right over land consisting”;
- (b) for the word “severance” there shall be substituted the words “right over the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right proposed”; and
- (d) for the words “part is” there shall be substituted the words “right is”.

Adaptation of the 1965 Act

3.—(1) The 1965 Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the

⁽⁴⁰⁾ 1973 c. 26.

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compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is or is to be exercisable.

(2) Without prejudice to the generality of sub-paragraph (1), Part I of the 1965 Act shall apply in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) there shall be substituted the following section:—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

5. For section 8 of the 1965 Act (provisions as to divided land) there shall be substituted the following:—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question the person satisfies the tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the Merseytram (Liverpool City Centre to Kirkby) Order 2005 (“the Order”) shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say:—

- (a) section 9(4) (failure by owners to convey),
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity),
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners), and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act shall be modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will, etc.) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

9. Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 8

Articles 19 and 34

ACQUISITION OF NEW RIGHTS ONLY

<i>Location</i>	<i>Number of land shown on works and land plans</i>
<i>(1)</i>	<i>(2)</i>
In the City of Liverpool	
Water Street	52
Water Street	54, 56, 58, 59, 61, 62, 65, 71, 73, 149
Dale Street	152, 157, 158, 161, 162, 163, 164, 172, 174, 177, 179, 181, 183, 184, 191, 192, 194, 197, 198, 200, 203, 205, 206, 207, 208, 210
Dale Street (Queensway)	221, 222, 224, 225, 226, 228
North John Street	171
Moorfields	189

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<i>Location</i>	<i>Number of land shown on works and land plans</i>
<i>(1)</i>	<i>(2)</i>
William Brown Street	266
Byrom Street	268
Hanover Street	95
Paradise Street	96, 105, 106, 107, 108
Whitechapel	111, 114, 115, 117, 122, 124, 127, 130, 140, 143, 145, 244
Church Street	112
Stanley Street	188
St John's Lane	245

SCHEDULE 9

Articles 5, 25 and 36

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
In the City of Liverpool			
Wapping	16, 17, 32	Highway works and works to dock wall	Work No. 2
Liver Street, Park Lane, Paradise Street	20, 21, 22, 23, 24, 81, 82, 83, 84	Highway works	Work Nos. 2, 2A and 8C
The Strand	42	Works to dock wall	Work No. 2
Mann Island	47	Highway works, alterations to kerblines and access	Work No. 4
Drury Lane	64	Highway works, alterations to kerblines	Work No. 6
Rumford Street, Exchange Passage West	67, 69, 70, 150	Highway works, alterations to kerblines	Work No. 6
Princes Dock	74, 75	Construction worksite	Work Nos. 1, 2, 2A, 3, 4, 5, 6, 6A, 7, 7A, 8, 8A, 8B, 8C, 8D, 9, 9A, 9B, 9C, 9E, 9F, 10, 11 and 12

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Stanley Street, Victoria Street	118, 186, 187	Highway works, alterations to kerblines	Work No. 8D
Victoria Street, Sir Thomas Street, Crosshall Street, Cumberland Street	131, 132, 133, 134, 135, 136	Highway works, alterations to kerblines	Work No. 8D
Lower Castle Street	146, 147	Highway works, alterations to kerblines	Work No. 6
Exchange Passage East	155, 156, 159	Highway works, alterations to kerblines	Work No. 6
Hackins Hey	165, 166	Highway works, alterations to kerblines	Work No. 6
North John Street	169, 170	Highway works, alterations to kerblines	Work No. 6
Queen Square	142	Street works	Work Nos. 8D and 9B
Queensway Tunnel entrance	215, 235, 236	Highway works, alterations to kerblines, demolition of Churchill Way (South Flyover)	Work Nos. 6A and 7
Old Haymarket, Byrom Street, Cuerden Street, William Brown Street, Commutation Row	229, 230, 265, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295	Highway works, alterations to kerblines, demolition of Churchill Way (South Flyover)	Work Nos. 6A and 7
Lime Street, Elliot Street	256, 257, 258, 259, 260	Highway works, alterations to kerblines	Work No. 9B
Camden Street, Fraser Street, Islington	305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 317	Construction worksite	Work Nos. 6A, 7, 7A, 8, 8A, 8B, 8C, 8D, 8E, 9, 9A, 9B, 9D and 9E
Seymour Street, Seymour Terrace	335	Highway works, alterations to kerblines	Work No. 9
Greek Street, Pembroke Place	349, 350, 354, 355	Highway works, alterations to kerblines	Work No. 9
Anson Street, Pembroke Place	365, 366, 367, 368	Highway works, alterations to kerblines	Work No. 9
Daulby Street, Prescott Street	378, 379, 382, 383, 389, 390	Highway works, alterations to kerblines	Work Nos. 9 and 10

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Erskine Street, Brunswick Road	405, 406, 407, 408	Highway works, alterations to kerblines	Work Nos. 10 and 11
Brunswick Road, Low Hill	417, 418, 419, 420, 421, 422	Highway works, alterations to kerblines	Work No. 11
Walker Street	423, 424	Highway works, alterations to kerblines	Work Nos. 11 and 12
Everton Road, West Derby Road	433	Use of open space for mitigation works	Work Nos. 11 and 12
West Derby Road, Boundary Lane, Norwood Grove, Celt Street, Back Belmont Road, Ellel Grove, Preston Grove, Denton Grove, Rocky Lane, Thurnham Street, Rockhouse Street, Rossett Street, Scorton Street, Morecambe Street, Grange Street, Lower Breck Road, Radnor Place	435, 443, 444, 445, 455, 475, 476, 482, 484, 486, 487, 488, 496, 497, 498, 499, 500, 501, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512	Highway works, alterations to kerblines	Work Nos. 12 and 13
Orphan Drive	518	Construction worksite and highway alterations	Work No. 13
West Derby Road, Lisburn Lane, Muirhead Avenue	546, 547, 549, 550, 551, 552, 554, 555, 557, 558, 560	Highway works, alterations to kerblines	Work No. 13
Queens Drive West, Muirhead Avenue, Agar Road, Monash Road, Lowerson Road, Eastman Road, Queen's Drive	561, 562, 563, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 578	Highway works, alterations to kerblines	Work No. 13
Townsend Avenue, Sandyville Road, Broad Lane	579, 582, 584	Highway works, alterations to kerblines	Work No. 13
Utting Avenue	588, 594, 595, 599	Highway works, alterations to kerblines, works to bridge	Work Nos. 13 and 13A
Townsend Avenue, Broadway	608, 609	Highway works, alterations to kerblines	Work No. 13

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Utting Avenue East, Parthenon Drive, Lorenzo Drive, Lewisham Road, Scargreen Avenue	613, 614, 615, 616, 618, 619	Highway works, alterations to kerblines	Work No. 13
Utting Avenue East, Lower House Lane, Storrington Avenue	620, 621, 622, 623, 625, 626, 627	Highway works, alterations to kerblines	Work No. 13
Stonebridge Lane, East Lancashire Road	643, 665, 670	Highway works, alterations to kerblines	Work No. 14
North of East Lancashire Road	676	Construction worksite	Work No. 16E
East Lancashire Road, Back Gillmoss Lane, Carraway Road	679, 680, 681, 693, 694, 695, 696, 700, 701, 707, 708, 709, 710	Highway works, alterations to kerblines	Work Nos. 15B, 15C, 16, 16A, 16B, 16D and 17
In the Metropolitan Borough of Knowsley			
M57 (slip road)	743	Highway works	Work No. 18
East Lancashire Road, Moorgate Road, Ribblers Lane	751, 752, 754, 755, 756, 763	Highway works, alterations to kerblines	Work Nos. 20, 21, 22 and 22A
Moorgate Road	757	Highway works, alterations to kerblines	Work No. 22
Moorgate Road, Lindby Close	767, 768, 769, 770	Highway works, alterations to kerblines and mitigation works	Work No. 22
County Road, Simonswood Lane, Irlam Drive, Westhead Avenue	776, 777, 778, 783, 785, 786, 787	Highway works, alterations to kerblines	Work Nos. 23, 24 and 25
Cherryfield Drive, St Chad's Drive	795, 798, 799, 801, 802	Highway works, alterations to kerblines	Work Nos. 26 and 26A

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SCHEDULE 10

Article 47

TRAFFIC REGULATION

Interpretation

In column (1) of each of the tables below, the number before the oblique refers to the relevant sheet number of the traffic regulation order plans, and the number after the oblique refers to the relevant TRO reference number shown on that sheet.

PART 1**STOPPING, WAITING, LOADING OR UNLOADING**

(1) No loading or unloading at any time

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/7	Water Street	Northerly carriageway, both sides, from its junction with George's Pierhead to its junction with Goree.	Carriageway to be split into two. Southerly for trams, northerly for all other vehicles. Too narrow to maintain on street-parking; revoke on-street parking and all other waiting restrictions.
2/12	Water Street	North side, from its junction with George's Dock Gates to its junction with Drury Lane.	To protect the street tramway operation. Revoke existing restrictions.
2/16	Water Street	South side, from its junction with The Strand to its junction with Dale Street.	To protect the street tramway operation. Revoke existing restrictions.
2/23	Water Street	North side, from its junction with Covent Garden to its junction with Dale Street.	To protect the street tramway operation. Revoke existing restrictions.
3/15	Whitechapel	North-eastern side, from its junction with Crosshall Street to its junction with Stanley Street.	To maintain vehicle flow. Revoke existing restrictions.
3/21	Whitechapel	South-eastern side, from its junction with Lord Street to its	To maintain vehicle flow. Revoke existing restrictions.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		junction with Dawson Street.	
4/6	Dale Street	North side, from its junction with Castle Street to its junction with Moorfields.	To protect the street tramway operation. Revoke existing restrictions between Water Street and Vernon Street.
4/8	Dale Street	Southerly carriageway, both sides, from a point 10 metres east of its junction with Temple Street to a point 10 metres west of its junction with Sir Thomas Street.	To maintain vehicle flow. Revoke existing restrictions between 10 metres east of Temple Street and 10 metres west of Sir Thomas Street.
4/15	Dale Street	North side, from its junction with Vernon Street to its junction with Crosshall Street.	To protect the street tramway operation. Revoke existing restrictions between Vernon Street and Hatton Garden.
4/16	Dale Street	South side, from its junction with Crosshall Street for a distance of 10 metres in a westerly direction.	To protect traffic movements around the junction.
4/19	Crosshall Street	Both sides, from its junction with Dale Street for a distance of 15 metres in a southerly direction.	To maintain vehicle flow. Revoke existing restrictions.
4/37	Dale Street	South side, from its junction with Castle Street to its junction with Exchange Street East.	To protect the street tramway operation. Revoke existing restrictions.
4/45	Dale Street	Northerly carriageway, both sides, from its junction with Moorfields to its junction with Vernon Street.	To protect the street tramway operation. Revoke existing waiting restrictions.
5/1	Whitechapel	North-western carriageway, both sides, from its junction with Victoria Street	To maintain vehicle flow. Revoke existing restrictions.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		to its junction with Crosshall Street.	
5/12	Cuerden Street	Both sides, throughout its entire length.	To maintain vehicle flow.
5/13	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	South side, from its cul-de-sac end for a distance of 25 metres in an easterly direction.	To keep access route clear.
5/27	London Road	North side adjacent to reservation separating tram tracks from carriageway, between its junctions with Lime Street and Norton Street.	To reduce obstructions in carriageway.
5/37	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	South side, between points 52 metres and 100 metres east of its cul-de-sac end.	To keep access route clear.
5/39	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	South-easterly side, from the roundabout at its easterly end for a distance of 40 metres in a south-westerly direction, also including the southerly side of the roundabout.	To keep access route clear.
5/40	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	Northerly side throughout its entire length, also including the northerly side of the roundabout at its easterly end.	To keep access route clear.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
5/44	William Brown Street, that length which runs from its northerly junction with Commutation Row in a generally south-westerly direction and southerly direction to the car park which lies to the east of St George's Hall	Both sides, throughout its entire length.	To keep access route clear.
6/5	London Road	Both sides, from its junction with Stafford Street to its junction with Moss Street.	To protect the street tramway operation. Revoke existing restrictions.
7/7	West Derby Road	North side, from its junction with Everton Road to a point 30 metres east of its junction with Belmont Road.	To maintain vehicle flow. Revoke existing restrictions.
7/19	West Derby Road	South side, from its junction with Walker Street to a point 50 metres west of its junction with Farnworth Street.	To protect traffic flow.
7/20	West Derby Road	South side, from a point 30 metres west of its junction with Farnworth Street to a point 35 metres west of its junction with Ivy Leigh.	To protect traffic flow.
10/9	Windsor Road	East side, from its junction with West Derby Road for a distance of 15 metres in a northerly direction and west side, from its junction with West Derby Road for a distance of 5 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/10	Buckingham Road	Both sides, from its junction with West Derby Road	To protect road junction. Revoke

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		for a distance of 15 metres in a northerly direction.	existing restrictions where necessary.
10/11	Marlborough Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/12	Osborne Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/29	West Derby Road	North side, between points 8 metres west and 7 metres east of its junction with Windsor Road.	To protect road junction. Revoke existing restrictions where less onerous.
10/30	West Derby Road	North side, between points 23 metres west and 8 metres east of its junction with Buckingham Road.	To protect road junction. Revoke existing restrictions where less onerous.
10/31	West Derby Road	North side, between points 16 metres west and 8 metres east of its junction with Marlborough Road.	To protect road junction. Revoke existing restrictions where less onerous.
10/32	West Derby Road	North side, between points 8 metres west and 8 metres east of its junction with Osborne Road.	To protect road junction. Revoke existing restrictions where less onerous.
10/34	West Derby Road	South side, between points 8 metres west and 21 metres east of its junction with Ivy Leigh.	To protect road junction. Revoke existing restrictions where less onerous.
10/35	West Derby Road	South side, between points 8 metres west and 9 metres east of its junction with Hilberry Avenue.	To protect road junction. Revoke existing restrictions where less onerous.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
10/36	West Derby Road	South side, from a point 8 metres west of its junction with Silverdale Avenue to its junction with Muirhead Avenue.	To protect road junction. Revoke existing restrictions where less onerous.
13/10	Utting Avenue East	North-west side, from its junction with Townsend Avenue for a distance of 75 metres in a north-easterly direction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
13/11	Utting Avenue East	South-east side, from its junction with Broadway for a distance of 58 metres in a north-easterly direction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
14/3	Utting Avenue East	South-east side, from a point 92 metres south-west of its junction with Lewisham Road to a point 55 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
14/15	Utting Avenue East	North-west side, from a point 83 metres south-west of its junction with Parthenon Drive to a point 65 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
14/16	Utting Avenue East	South-east side, from a point 88 metres south-west of its junction with Lorenzo Drive to a point 62 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
14/18	Utting Avenue East	North-west side, from a point 88 metres south-west of its junction with Sedgemoor Road to a point 60 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
14/21	Utting Avenue East	South-east side, from a point 10 metres south-west of its junction with Carr Lane to a point 10 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
15/19	Utting Avenue East	North-west side, from a point 83 metres south-west of its junction with Scargreen Avenue to a point 65 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
15/20	Utting Avenue East	South-east side, from a point 85 metres south-west of its junction with Stalisfield Avenue to a point 65 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
15/23	Utting Avenue East	South-east side, from a point 10 metres south-west of its junction with Homestall Road to a point 15 metres north-east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
15/25	Utting Avenue East	North-west side, from a point 83 metres south-west of its junction with Cottesbrook Road to a point 110 metres north-east of its junction with Lower House Lane.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
15/26	Utting Avenue East	South-east side, from a point 85 metres south-west of its junction with Carsington Road to a point 50 metres north-east of its junction with Lower House Lane.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.
In the Metropolitan Borough of Knowsley			
23/2	County Road	Both sides, from its junction with Broad	To maintain vehicle flow and protect

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		Lane to its junction with Webster Drive.	the street tramway/ tramroad operation. Revoke existing restrictions.

(2) No waiting at any time

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
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In the City of Liverpool

2/7a	Water Street	North carriageway, both sides, from its junction with George's Pierhead to its junction with Goree.	To support loading restrictions in same length of road.
2/12a	Water Street	North side, from its junction with George's Dock Gates to its junction with Covent Garden.	To support loading restrictions in same length of road and to protect tram route eastwards to Covent Garden.
2/16a	Water Street	South side, from its junction with The Strand to its junction with Dale Street.	To support loading restrictions in same length of road.
2/23a	Water Street	North side, from its junction with Covent Garden to its junction with Dale Street.	To support loading restrictions in same length of road.
3/15a	Whitechapel	North-east side, from its junction with Crosshall Street to its junction with Stanley Street.	To support loading restrictions in same length of road.
3/21a	Whitechapel	South-east side, from its junction with Lord Street to its junction with Dawson Street.	To support loading restrictions in same length of road.
3/22a	Whitechapel	South-east side, from its junction with Dawson Street to its junction with Hood Street.	To support loading restrictions in same length of road.
4/6a	Dale Street	North side, from its junction with Castle	To support loading restrictions in same length of road.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		Street to its junction with Moorfields.	
4/7a	Dale Street	South side, from its junction with Exchange Street East to a point 10 metres east of its junction with Temple Street.	To support loading restrictions in same length of road.
4/8a	Dale Street	South carriageway, both sides, from a point 10 metres east of its junction with Temple Street to a point 10 metres west of its junction with Sir Thomas Street.	To support loading restrictions in same length of road.
4/15a	Dale Street	North side, from its junction with Vernon Street to its junction with Crosshall Street.	To support loading restrictions in same length of road.
4/16a	Dale Street	South side, from its junction with Crosshall Street for a distance of 10 metres in a westerly direction.	To support loading restrictions in same length of road.
4/17a	Dale Street	South side, from a point 10 metres west of its junction with Sir Thomas Street to a point 10 metres west of its junction with Crosshall Street.	To support loading restrictions in same length of road.
4/19a	Crosshall Street	Both sides, from its junction with Dale Street for a distance of 15 metres in a southerly direction.	To support loading restrictions in same length of road.
4/37a	Dale Street	South side, from its junction with Castle Street to its junction with Exchange Street East.	To support loading restrictions in same length of road.
4/40	Exchange Street East	East side, between points 5 and 21 metres north of its junction with Dale Street.	To become loading area.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
4/45	Dale Street	Northerly carriageway, both sides, from its junction with Moorfields to its junction with Vernon Street.	To protect tramway operation. Revoke existing waiting restrictions.
5/1a	Whitechapel	North-westerly carriageway, both sides, from its junction with Victoria Street to its junction with Crosshall Street.	To support loading restrictions in same length of road.
5/12a	Cuerden Street	Both sides, for its entire length.	To support loading restrictions in same length of road.
5/13a	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	South side, from its cul-de-sac end for a distance of 25 metres in an easterly direction.	To support loading restrictions in same length of road.
5/27a	London Road	North side adjacent to reservation separating tram tracks from carriageway, between its junctions with Lime Street and Norton Street.	To support loading restrictions in same length of road.
5/37a	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	South side, between points 52 metres and 100 metres east of its cul-de-sac end.	To support loading restrictions in same length of road.
5/39a	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its	South-easterly side, from the roundabout at its easterly end for a distance of 40 metres in a south-westerly direction, also	To support loading restrictions in same length of road.

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	northerly junction with Commutation Row	including the southerly side of the roundabout.	
5/40a	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	Northerly side throughout its entire length, also including the northerly side of the roundabout at its easterly end.	To support loading restrictions in same length of road.
5/44a	William Brown Street, that length which runs from its northerly junction with Commutation Row in a generally south-westerly and southerly direction to the car park which lies to the east of St. George's Hall	Both sides, throughout its entire length.	To support loading restrictions in same length of road.
6/5a	London Road	Both sides, from its junction with Stafford Street to its junction with Moss Street.	To support loading restrictions in same length of road.
6/12a	Prescot Street	Both sides, from its junction with Moss Street to a point 180 metres east of that junction.	To support loading restrictions in same length of road.
7/7a	West Derby Road	North side, from its junction with Everton Road to a point 30 metres east of its junction with Belmont Road.	To support loading restrictions in same length of road.
7/12	Nevin Street	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
7/13	Baker Street	Both sides, from its junction with West Derby Road for a distance of 15	To protect road junction. Revoke existing restrictions where necessary.

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		metres in a southerly direction.	
7/14	West Derby Road Service Road	Both sides, from its junction with West Derby Road (155 metres east of the junction with Baker Street) for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
7/15	Farnworth Street	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
7/19a	West Derby Road	South side, from its junction with Walker Street to a point 50 metres west of its junction with Farnworth Street.	To support loading restrictions in same length of road.
7/20a	West Derby Road	South side, from a point 30 metres west of its junction with Farnworth Street to a point 35 metres west of its junction with Ivy Leigh.	To support loading restrictions in same length of road.
8/2	Horne Street	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
8/3	Boundary Lane	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
8/4	Norwood Grove	Both sides, from its junction with West Derby Road for a distance of 5 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.

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8/5	Celt Street	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
8/6	Back Belmont Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/1a	Rocky Lane	North side, from a point 30 metres east of its junction with Belmont Road to its junction with Rossett Street.	To support loading restrictions in same length of road. No waiting between 7.00am and 7.00pm only.
9/3a	West Derby Road	North side, from a point 36 metres east of its junction with Lower Breck Road to a point 5 metres east of its junction with Radnor Place.	To support loading restrictions in same length of road.
9/4	Ellel Grove	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/5	Preston Grove	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/6	Denton Grove	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/7	Thurnham Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.

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9/8	Rockhouse Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/9	Rossett Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/10a	Scorton Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/11a	Morecambe Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/12a	Grange Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/13a	Lower Breck Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/14a	Radnor Place	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/15a	Somerset Place	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/16a	Clifton Road	Both sides, from its junction with West Derby Road	To support loading restrictions in same length of road.

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		for a distance of 15 metres in a northerly direction.	
9/17a	Alton Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
9/22a	Rocky Lane	North side, from its junction with Rossett Street to a point 10 metres east of its junction with Lower Breck Road.	To support loading restrictions in same length of road.
9/27a	West Derby Road	North side, between points 38 metres east of its junction with Radnor Place and 5 metres east of its junction with Somerset Place.	To support loading restrictions in same length of road.
9/28a	West Derby Road	North side, between points 38 metres east of its junction with Somerset Place and 5 metres east of its junction with Clifton Road.	To support loading restrictions in same length of road.
9/29a	West Derby Road	North side, between points 37 metres east of its junction with Clifton Road and 11 metres east of its junction with Alton Road.	To support loading restrictions in same length of road.
10/6a	Gloucester Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/7a	Chester Road	Both sides, from its junction with West Derby Road for a distance of 15	To support loading restrictions in same length of road.

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		metres in a northerly direction.	
10/8a	Dorset Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/9a	Windsor Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/10a	Buckingham Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/11a	Marlborough Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/12a	Osborne Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/13a	Victoria Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To support loading restrictions in same length of road.
10/14	Orphan Drive	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/15	Service Road to Dorset House	Both sides, from its junction with West Derby Road	To protect road junction. Revoke

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		for a distance of 15 metres in a southerly direction.	existing restrictions where necessary.
10/16	Oak Leigh	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/17	Ivy Leigh	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/18	Hilberry Avenue	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/19	Silverdale Avenue	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/20	Snaefell Avenue	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/21	Green Lane	Both sides, from its junction with West Derby Road for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/29a	West Derby Road	North side, between points 8 metres west and 7 metres east of its junction with Windsor Road.	To support loading restrictions in same length of road.
10/30a	West Derby Road	North side, between points 23 metres west and 8 metres east	To support loading restrictions in same length of road.

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		of its junction with Buckingham Road.	
10/31a	West Derby Road	North side, between points 16 metres west and 8 metres east of its junction with Marlborough Road.	To support loading restrictions in same length of road.
10/32a	West Derby Road	North side, between points 8 metres west and 8 metres east of its junction with Osborne Road.	To support loading restrictions in same length of road.
10/33a	West Derby Road	North side, from a point 23 metres east of its junction with Osborne Road to its junction with Lisburn Lane.	To support loading restrictions in same length of road.
10/34a	West Derby Road	South side, between points 8 metres west and 21 metres east of its junction with Ivy Leigh.	To support loading restrictions in same length of road.
10/35a	West Derby Road	South side, between points 8 metres west and 9 metres east of its junction with Hilberry Avenue.	To support loading restrictions in same length of road.
10/36a	West Derby Road	South side, from a point 8 metres west of its junction with Silverdale Avenue to its junction with Muirhead Avenue.	To support loading restrictions in same length of road.
10/38a	West Derby Road	North side, between points 35 metres east of its junction with Alton Road and 35 metres west of its junction with Windsor Road.	To support loading restrictions in same length of road.
13/10a	Utting Avenue East	North-west side, from its junction with Townsend Avenue for a distance of 75 metres	To support loading restrictions in same length of road.

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		in a north-easterly direction.	
13/11a	Utting Avenue East	South-east side, from its junction with Broadway for a distance of 58 metres in a north-easterly direction.	To support loading restrictions in same length of road.
14/3a	Utting Avenue East	South-east side, from a point 92 metres south-west of its junction with Lewisham Road to a point 55 metres north-east of that junction.	To support loading restrictions in same length of road.
14/4	Parthenon Drive	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
14/5	Lorenzo Drive	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
14/6	Sedgemoor Road	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
14/7	Lewisham Road	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
14/8	Carr Lane	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in an easterly direction.	To protect road junction. Revoke existing restrictions where necessary.

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14/15a	Utting Avenue East	North-west side, from a point 83 metres south-west of its junction with Parthenon Drive to a point 65 metres north-east of that junction.	To support loading restrictions in same length of road.
14/16a	Utting Avenue East	South-east side, from a point 88 metres south-west of its junction with Lorenzo Drive to a point 62 metres north-east of that junction.	To support loading restrictions in same length of road.
14/18a	Utting Avenue East	North-west side, from a point 88 metres south-west of its junction with Sedgemoor Road to a point 60 metres north-east of that junction.	To support loading restrictions in same length of road.
14/21a	Utting Avenue East	South-east side, from a point 10 metres south-west of its junction with Carr Lane to a point 10 metres north-east of that junction.	To support loading restrictions in same length of road.
15/2	Scargreen Avenue	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
15/4	Stalisfield Avenue	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
15/5	Homestall Road	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
15/8	Cottesbrook Road	Both sides, from its junction with	To protect road junction. Revoke

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		Utting Avenue East for a distance of 15 metres in a northerly direction.	existing restrictions where necessary.
15/9	Carsington Road	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
15/14	Public House access 50 metres east of the centre line of Lower House Lane	Both sides, from its junction with Utting Avenue East for a distance of 15 metres in a southerly direction.	To protect road junction. Revoke existing restrictions where necessary.
15/19a	Utting Avenue East	North-west side, from a point 83 metres south-west of its junction with Scargreen Avenue to a point 65 metres north-east of that junction.	To support loading restrictions in same length of road.
15/20a	Utting Avenue East	South-east side, from a point 85 metres south-west of its junction with Stalisfield Avenue to a point 65 metres north-east of that junction.	To support loading restrictions in same length of road.
15/23a	Utting Avenue East	South-east side, from a point 10 metres south-west of its junction with Homestall Road to a point 15 metres north-east of that junction.	To support loading restrictions in same length of road.
15/25a	Utting Avenue East	North-west side, from a point 83 metres south-west of its junction with Cottesbrook Road to a point 110 metres north-east of its junction with Lower House Lane.	To support loading restrictions in same length of road.

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15/26a	Utting Avenue East	South-east side, from a point 85 metres south-west of its junction with Carsington Road to a point 50 metres north-east of its junction with Lower House Lane.	To support loading restrictions in same length of road.
16/19	Worror Road	West side, from its junction with Storrington Avenue for a distance of 20 metres in a southerly direction.	To protect signalised junction.
16/23	Storrington Avenue	South side, between points 35 metres south-west and 35 metres north-east of the centreline of its junction with Worror Road.	To protect junction area for new traffic signals.
16/24	Storrington Avenue	North side, between points 35 metres south-west and 35 metres north-east of the centreline of its junction with Oakgate Close.	To protect junction area for new traffic signals.
In the Metropolitan Borough of Knowsley			
23/2a	County Road	Both sides, from its junction with Broad Lane to its junction with Webster Drive.	To support loading restrictions in same length of road.

(3) No loading or unloading between 8.30 a.m. to 9.30 a.m. and 4.30 p.m. to 6.00 p.m.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
3/22	Whitechapel	South-east side, from its junction with Dawson Street to its junction with Hood Street.	To maintain vehicle flow. Revoke existing restrictions.
4/7	Dale Street	South side, from its junction with	To maintain vehicle flow. Revoke existing

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		Exchange Street East to a point 10 metres east of its junction with Temple Street.	restrictions between Water Street and 10 metres east of Temple Street.
4/17	Dale Street	South side, from a point 10 metres west of its junction with Sir Thomas Street to a point 10 metres west of its junction with Crosshall Street.	To maintain vehicle flow. Revoke existing restrictions between 10 metres east of Sir Thomas Street and Hatton Garden.
6/12	Prescot Street	Both sides, from its junction with Moss Street to a point 180 metres east of that junction.	To maintain vehicle flow and protect the street tramway operation. Revoke existing restrictions.

(4) No loading or unloading between 8.00 a.m. to 9.30 a.m. and 4.30 p.m. to 6.30 p.m. from Mondays to Saturdays inclusive

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
9/3	West Derby Road	North side, from a point 36 metres east of its junction with Lower Breck Road to a point 5 metres east of its junction with Radnor Place.	To maintain vehicle flow. Revoke existing restrictions.
9/10	Scorton Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/11	Morecambe Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/12	Grange Street	Both sides, from its junction with Rocky Lane for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.

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9/13	Lower Breck Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/14	Radnor Place	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/15	Somerset Place	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/16	Clifton Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/17	Alton Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
9/22	Rocky Lane	North side, from its junction with Rossett Street to a point 10 metres east of its junction with Lower Breck Road.	To maintain vehicle flow. Revoke existing restrictions where necessary.
9/27	West Derby Road	North side, between points 38 metres east of its junction with Radnor Place and 5 metres east of its junction with Somerset Place.	To protect road junction. Revoke existing restrictions where necessary.
9/28	West Derby Road	North side, between points 38 metres east of its junction with Somerset Place and	To protect road junction. Revoke existing restrictions where necessary.

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		5 metres east of its junction with Clifton Road.	
9/29	West Derby Road	North side, between points 37 metres east of its junction with Clifton Road and 11 metres east of its junction with Alton Road.	To protect road junction. Revoke existing restrictions where necessary.
10/6	Gloucester Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/7	Chester Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/8	Dorset Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/13	Victoria Road	Both sides, from its junction with West Derby Road for a distance of 15 metres in a northerly direction.	To protect road junction. Revoke existing restrictions where necessary.
10/33	West Derby Road	North side, from a point 23 metres east of its junction with Osborne Road to its junction with Lisburn Lane.	To protect road junction. Revoke existing restrictions where necessary.
10/38	West Derby Road	North side, between points 35 metres east of its junction with Alton Road and 35 metres west of its junction with Windsor Road.	To maintain vehicle flow. Revoke existing restrictions.

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10/39	Windsor Road	West side, from a point 5 metres north of its junction with West Derby Road for a distance of 10 metres in a northerly direction.	To protect road junction. Revoke existing restrictions.

(5) No waiting between 7.00 a.m. and 7.00 p.m.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
9/1	Rocky Lane	North side, from a point 30 metres east of its junction with Belmont Road to its junction with Rossett Street.	To maintain vehicle flow. Revoke existing restrictions where necessary.

(6) No stopping except for taxis between 6.00 p.m. and midnight

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
7/18	West Derby Road	South side, between points 30 metres and 50 metres west of its junction with Farnworth Street.	To provide facility for the Grafton Rooms.

PART 2

PARKING PLACES

(7) Disabled persons parking places

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
5/14	William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres	South side, between points 25 metres and 52 metres east of its cul-de-sac end.	To provide parking facility for the disabled.

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5/38	south-west of its northerly junction with Commutation Row William Brown Street, that length which runs in a south-westerly and westerly direction from the roundabout which lies 75 metres south-west of its northerly junction with Commutation Row	South side, between points 100 metres and 130 metres east of its cul-de-sac end.	To provide parking facility for the disabled.

(8) On-street parking

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
9/23	West Derby Road	North side, between points 10 metres and 36 metres east of its junction with Lower Breck Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To provide new parking/ loading area. Revoke existing restrictions where necessary.
9/24	West Derby Road	North side, between points 5 metres and 38 metres east of its junction with Radnor Place. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To provide new parking/ loading area. Revoke existing restrictions where necessary.
9/25	West Derby Road	North side, between points 5 metres and 38 metres east of its junction with Somerset Place. Waiting limited	To provide new parking/ loading area. Revoke existing restrictions where necessary.

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		to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	
9/26	West Derby Road	North side, between points 5 metres and 37 metres east of its junction with Clifton Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To provide new parking/ loading area. Revoke existing restrictions where necessary.
10/4	West Derby Road	In the designated layby on the north side of the eastbound carriageway, between points 8 metres and 48 metres east of its junctions with Buckingham Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To introduce on-street parking and loading facility parallel to the highway.
10/5	West Derby Road	North side, between points 11 metres and 35 metres east of its junction with Alton Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To provide new parking/loading area. Revoke existing restrictions where necessary.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
10/22	West Derby Road	In the designated layby on the south side of the westbound carriageway, between points 8 metres and 32 metres west of its junction with Silverdale Avenue. Waiting limited to a maximum of one hour 9.00 a.m. to 4.30 p.m., unrestricted at other times.	To introduce on-street parking parallel to the highway.
10/23	West Derby Road	In the designated layby on the south side of the westbound carriageway, between points 8 metres and 29 metres west of its junction with Hilberry Avenue. Waiting limited to a maximum of one hour 9.00 a.m. to 4.30 p.m., unrestricted at other times.	To introduce on-street parking parallel to the highway.
10/24	West Derby Road	In the designated layby on the south side of the westbound carriageway, between points 8 metres and 35 metres west of its junction with Ivy Leigh. Waiting limited to a maximum of one hour 9.00 a.m. to 4.30 p.m., unrestricted at other times.	To introduce on-street parking parallel to the highway.
10/25	West Derby Road	In the designated layby on the north side of the eastbound carriageway, between points 8 metres and 35 metres west of its junction with Windsor Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting	To introduce on-street parking and loading facility parallel to the highway.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
10/26	West Derby Road	8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times. In the designated layby on the north side of the eastbound carriageway, between points 7 metres and 30 metres east of its junction with Windsor Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To introduce on-street parking and loading facility parallel to the highway.
10/27	West Derby Road	In the designated layby on the north side of the eastbound carriageway, between points 8 metres and 57 metres east of its junction with Marlborough Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00 p.m., unrestricted at other times.	To introduce on-street parking and loading facility parallel to the highway.
10/28	West Derby Road	In the designated layby on the north side of the eastbound carriageway, between points 8 metres and 23 metres east of its junction with Osborne Road. Waiting limited to a maximum of 30 minutes 10.00 a.m. to 4.30 p.m., no waiting 8.00 a.m. to 10.00 a.m. and 4.30 p.m. to 6.00	To introduce on-street parking and loading facility parallel to the highway.

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		p.m., unrestricted at other times.	

PART 3

DIRECTION OF TRAFFIC

(9) One way traffic

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/8	Water Street	Northerly carriageway, from its junction with George's Pierhead to its junction with Goree in that direction.	Carriageway dualled. Northerly side for one-way traffic, southerly for trams only.
2/13	Water Street, northerly part of carriageway	From its junction with George's Dock Gates to its junction with Rumford Street, in that direction.	No physical segregation from tram tracks. Reverse direction of flow.
2/19	Exchange Passage West	From its junction with Exchange Street West to its junction with Rumford Street, in that direction.	To accord with new traffic flows.
2/21	Water Street, southerly part of carriageway	From its junction with Fenwick Street to its junction with Lower Castle Street, in that direction.	To provide access to Lower Castle Street.
2/38	Drury Lane	Between its junction with Water Street and a point 40 metres south of that junction, in that direction.	To re-introduce one-way working for part of street only.
3/8	School Lane	Between Paradise Street and Manesty's Lane, in that direction.	To reverse one-way order.
3/12	Whitechapel	Westerly lane of carriageway, from its junction with Lord Street to its junction	No physical segregation from tram tracks.

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		with Stanley Street, in that direction.	
3/17	Whitechapel	Westerly lane of carriageway, from its junction with Sir Thomas Street to its junction with Peter Street, in that direction.	No physical segregation from tram tracks.
3/25	Whitechapel	Carriageway to north-west of tram tracks, from its junction with Peter Street to its junction with Crosshall Street, in that direction.	Tram tracks to separate each direction of traffic flow.
3/26	Whitechapel	Carriageway to south-east of tram tracks, from its junction with Crosshall Street to its junction with Peter Street, in that direction.	Tram tracks to separate each direction of traffic flow.
4/5	Dale Street, southerly part of carriageway	From its junction with Moorfields to its junction with Exchange Street East, in that direction.	No physical segregation between lanes.
4/12	Dale Street	Southerly carriageway, from its junction with Vernon Street to its junction with Moorfields, in that direction.	Carriageway dualled for tram stop. Southerly side for one-way traffic, northerly for trams only.
4/18	Dale Street, southerly part of carriageway	From its junction with Crosshall Street to its junction with Vernon Street, in that direction.	No physical segregation from tram tracks.
4/23	Exchange Street West	From its junction with Water Street to its junction with Exchange Passage West, in that direction.	To accord with new traffic flows.
4/25	Dale Street	Northerly carriageway, from its junction with Byrom Street	Carriageway dualled, following removal of Churchill Way (South)

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		to its junction with Hatton Garden, in that direction.	Flyover. Northerly side for one-way traffic, southerly for trams only.
4/30	Cumberland Street	Between Dale Street and Victoria Street, in that direction.	To reverse one-way order.
4/31	Lower Castle Street	From its junction with Water Street to its junction with Brunswick Street, in that direction.	To provide access for loading.
5/36	Whitechapel	From its junction with Crosshall Street to its junction with Queen Square car park, in that direction.	Part of new traffic flow pattern.
6/6	London Road, northerly part of carriageway	From its junction with Audley Street to its junction with Daulby Street, in that direction.	No physical segregation between lanes.
7/1	Walker Street	From its junction with West Derby Road to its junction with Marsden Street, in that direction.	To reduce turning movements at junction.
14/10	Utting Avenue East	Carriageway to north-west of tram tracks, between its junctions with Townsend Avenue and Lower House Lane, in that direction.	Tram tracks to separate each direction of traffic flow.
14/11	Utting Avenue East	Carriageway to south-east of tram tracks, between its junctions with Lower House Lane and Townsend Avenue, in that direction.	Tram tracks to separate each direction of traffic flow.
16/21	Storrington Avenue	North-westerly carriageway, in a north-easterly direction.	Carriageway dualled. North-westerly side for one-way traffic.

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16/22	Storrington Avenue	South-easterly carriageway, in a south-westerly direction.	Carriageway dualled. South-easterly side for one-way traffic.

(10) No left turn

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/17	Fenwick Street	At its junction with Water Street.	Tram crossing and one-way streets restrict movement.
5/34	Byrom Street	At its junction with William Brown Street, from Byrom Street into William Brown Street.	William Brown Street to become tram only route.
5/45	Old Haymarket	At its junction with St John's Lane, from Old Haymarket into St John's Lane.	St John's Street at its junction with Old Haymarket to become tram only.

(11) No right turn

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/18	Water Street (eastbound)	At its junction with Rumford Street.	To accord with new traffic flows.
5/35	Old Haymarket	At its junction with William Brown Street, from Old Haymarket into William Brown Street.	William Brown Street to become tram only route.
5/46	Old Haymarket	At its junction with St John's Lane, from Old Haymarket into St John's Lane.	St John's Street at its junction with Old Haymarket to become tram only.
6/10	London Road	At its junction with Daulby Street, from London Road into Daulby Street.	To reduce turning movements across the tramway.
10/37	West Derby Road	At its junction with Green Lane.	To restrict movements to increase capacity.

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11/2	Queen's Drive West Derby	At its junction with the easterly carriageway of Muirhead Avenue.	Road layout to be changed.
12/3	Queen's Drive West Derby	At its junction with Monash Road.	To reduce number of tram crossings.
13/3	Townsend Avenue (northbound)	At its junction with Broad Lane.	To reduce number of tram crossings.
13/5	Townsend Avenue (southbound)	At its junction with Broad Lane.	To reduce number of tram crossings.
15/6	Utting Avenue East	At its junction with Carsington Road.	To reduce turning movements across the tramway.
15/12	Utting Avenue East	At its junction with Cottesbrook Road.	To reduce turning movements across the tramway.
16/25	Storrington Avenue (south-westbound)	At a point 145 metres east of the centre line of Lower House Lane.	To reduce turning movements across the tramway.
16/26	Storrington Avenue (south-westbound)	At a point 162 metres east of the centre line of Lower House Lane.	To reduce turning movements across the tramway.
16/27	Storrington Avenue (south-westbound)	At a point 188 metres east of the centre line of Lower House Lane.	To reduce turning movements across the tramway.
16/28	Storrington Avenue (south-westbound)	At a point 264 metres east of the centre line of Lower House Lane.	To reduce turning movements across the tramway.
16/29	Storrington Avenue (south-westbound)	At its junction with the access to St John Bosco High School, 270 metres east of the centre line of Lower House Lane.	To reduce turning movements across the tramway.
16/30	Storrington Avenue (south-westbound)	At its junction with the access to the Council offices, 315 metres east of the centre line of Lower House Lane.	To reduce turning movements across the tramway.
16/31	Storrington Avenue (north-eastbound)	At a point 70 metres east of the centre line of Worrow Road.	To reduce turning movements across the tramway.
16/32	Storrington Avenue (north-eastbound)	At its junction with Waterstone Close.	To reduce turning movements across the tramway.

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16/33	Storrington Avenue (south- westbound)	Opposite to its junction with Waterstone Close.	To reduce turning movements across the tramway.
16/34	Storrington Avenue (north-eastbound)	At its junction with Porchfield Close.	To reduce turning movements across the tramway.
16/35	Storrington Avenue (south-westbound)	At its junction with Willowmeade.	To reduce turning movements across the tramway.
16/36	Storrington Avenue (north-eastbound)	At a point 45 metres north-east of its junction with Porchfield Close.	To reduce turning movements across the tramway.
16/37	Storrington Avenue (south-westbound)	Opposite to its junction with Storrington Heys.	To reduce turning movements across the tramway.

In the Metropolitan Borough of Knowsley

22/2	Moorgate Road	At its junction with the access road to Tokenspire Park 170 metres south-west of its junction with County Road, no right turn from north-eastbound direction to south-eastbound direction.	Vehicles wishing to make this manoeuvre can do so at the roundabout at County Road.
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(12) No U-turn

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/2	Wapping	At its junction with Canning Place, no U-turn from north-westbound carriageway across central reserve onto south-eastbound carriageway of Wapping.	To regulate U-turn facility.
2/3	Strand Street	At its junction with Canning Place, no U-turn from south-eastbound carriageway	To regulate U-turn facility.

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		across central reserve onto north-westbound carriageway of Strand Street.	
2/31	Strand Street at its junction with the tram route immediately north of Canning Place	From south-eastbound carriageway across central reserve onto north-westbound carriageway.	To regulate U-turn facility.
2/39	Strand Street at its junction with the tram route immediately north of Canning Place	From north-westbound carriageway across central reserve onto the south-eastbound carriageway.	To regulate U-turn facility.
7/16	West Derby Road	At its junction with Everton Road, no U-turn from West Derby Road westbound to West Derby Road eastbound.	To prevent vehicles conflicting with pedestrian safety.
7/17	Everton Road	At its junction with West Derby Road, no U-turn from Everton Road back into Everton Road.	To prevent vehicles conflicting with pedestrian safety.
9/18	West Derby Road	At its junction with Belmont Road, no U-turn from West Derby Road eastbound to West Derby Road westbound.	To prevent vehicles conflicting with pedestrian safety.
9/19	Belmont Road	At its junction with West Derby Road, no U-turn from Belmont Road back into Belmont Road.	To prevent vehicles conflicting with pedestrian safety.
9/20	Rocky Lane	At its junction with Belmont Road, no U-turn from Rocky Lane westbound to Rocky Lane eastbound.	To prevent vehicles conflicting with pedestrian safety.
9/21	Sheil Road	At its junction with West Derby Road, no U-turn from Sheil Road back into Sheil Road.	To prevent vehicles conflicting with pedestrian safety.

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13/7	Queen's Drive Walton	At its junction with Townsend Avenue, no U-turn from Queen's Drive Walton (south-eastbound) to Queen's Drive Walton (north-westbound).	To prevent vehicles conflicting with pedestrian safety.
13/8	Townsend Avenue	At its junction with Utting Avenue East, no U-turn from Townsend Avenue (southbound) to Townsend Avenue (northbound).	To prevent vehicles conflicting with pedestrian safety.
In the Metropolitan Borough of Knowsley			
21/3	Moorgate Road	At its junction with the exit from Ribbler's Lane, no U-turn from north-eastbound direction into south-westbound direction.	For safety, in close proximity to fast and busy junction.
21/4	Moorgate Road	At its junction with Bewley Drive, no U-turn from north-eastbound direction into south-westbound direction.	To prevent vehicles conflicting with pedestrian safety.
21/5	Moorgate Road	At a point 120 metres south-west of its junction with Bewley Drive, no U-turn from north-eastbound direction into south-westbound direction.	To prevent vehicles conflicting with pedestrian safety.

(13) Prescribed route

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/10	Goree	At its junction with Water Street, vehicles must proceed ahead.	Tram crossing and one-way streets restrict movement.
3/2	Paradise Street	At its junction with Hanover Street, vehicles must turn right.	To regulate priority movements at junction.

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3/5	Back Lord Street	At its junction with Paradise Street, vehicles may proceed ahead only (into School Lane).	To accord with new traffic flow system.
4/3	Hackins Hey	At its junction with Dale Street, vehicles must turn right.	The one-way on Hackins Hey to be reversed and will egress onto one-way street.
4/22	Dale Street	At its junction with Hatton Garden, westbound, vehicles must turn right.	To accord with new junction layout.
4/33	Water Street (eastbound)	At its junction with Exchange Street West, vehicles must turn left.	Straight on is for trams only.
4/38	Dale Street	At its junction with Exchange Street East, vehicles must turn right.	Dale Street to become tram only to the west of this junction.
5/18	London Road	At its junction with Lime Street, vehicles must turn left.	To limit vehicle/tram conflicts at junction.
5/42	William Brown Street	At its northerly junction with Commutation Row, vehicles must turn left.	To limit conflicts as traffic enters main road.
12/1	Monash Road	At its junction with Queen's Drive, vehicles must turn left.	To reduce number of tram crossings.
13/2	Broad Lane	At its junction with the east side of Townsend Avenue, vehicles must turn left.	To reduce number of tram crossings.
13/4	Broad Lane	At its junction with the west side of Townsend Avenue, vehicles must turn left.	To reduce number of tram crossings.
15/7	Cottesbrook Road	At its junction with Utting Avenue East, vehicles must turn left.	To reduce turning movements across the tramway.
15/11	Carsington Road	At its junction with Utting Avenue East, vehicles must turn left.	To reduce turning movements across the tramway.

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15/13	Public House access on south side of Storrington Avenue, 50 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/1	Access road on the north side of Storrington Avenue, 145 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/2	Access road on the north side of Storrington Avenue, 162 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/3	Access road on the north side of Storrington Avenue, 188 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/4	Access road on the north side of Storrington Avenue, 264 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/5	Access road to St John Bosco High School on the north side of Storrington Avenue, 270 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/6	Access road to the Council offices on the north side of Storrington Avenue, 315 metres east of Lower House Lane	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/10	Access road on the south side of Storrington Avenue, 70 metres east of Worrow Road	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/13	Waterstone Close	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.

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16/14	Access road on the north side of Storrington Avenue, 145 metres east of Worrow Road	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/15	Willowmeade	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/16	Porchfield Close	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/17	Access road on the south side of Storrington Avenue, 45 metres east of Willowmeade	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.
16/18	Storrington Heys	At its junction with Storrington Avenue, vehicles must turn left.	To reduce turning movements across the tramway.

In the Metropolitan Borough of Knowsley

25/10	South Parade	At its junction with Cherryfield Drive, all vehicles (except buses and hackney carriage taxis) must turn right.	To accord with new road layout.
25/13	Cherryfield Drive	At its junction with Webster Drive, all vehicles (except buses and hackney carriage taxis) approaching from a south-easterly direction must turn right.	Ahead route available for restricted access only.
25/14	Webster Drive	At its junction with Cherryfield Drive, all vehicles (except buses, trams and hackney carriage taxis) must turn left.	Route to right available for restricted access only.

(14) Tram route (two-way trams) also carrying one-way traffic

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
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In the City of Liverpool

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
3/9	Paradise Street	From its junction with Lord Street to its junction with School Lane, vehicular traffic other than trams to travel in that direction.	Fully shared carriageway, general traffic one-way Lord Street to School Lane.
6/2	London Road	From its junction with Stafford Street to its junction with Audley Street, vehicular traffic other than trams to travel in that direction.	Fully shared carriageway, although vehicles one-way from Stafford Street to Audley.

PART 4

VEHICULAR ACCESS

(15) No passage of vehicular traffic

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
5/17	Back Commutation Row	From a point 1.5 metres north of its junction with London Road for a distance of 5.5 metres in a northerly direction.	To limit the number of tram crossing points.
5/21	Hotham Street	From its junction with London Road for a distance of 7 metres in a southerly direction.	To reduce the number of junctions with London Road to improve flow.
5/22	Camden Street	From a point 5 metres north of its junction with London Road for a distance of 5 metres in a northerly direction.	To limit the number of tram crossing points.
5/25	Wilde Street	From its junction with London Road to its junction with the new road to the rear of numbers 45 to 57 London Road.	To limit the number of tram crossing points.
6/4	Monument Place	From its junction with London Road for a	To limit the number of tram crossing points.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		distance of 5 metres in a southerly direction.	
6/7	Anson Place	From its junction with London Road for a distance of 5 metres in a southerly direction.	To limit the number of tram crossing points.
6/8	Un-named road 20 metres east of Norman Street	From its junction with London Road for a distance of 5 metres in a southerly direction.	To limit the number of tram crossing points.
7/2	Everton Road western slip road joining Brunswick Road	From its junction with Brunswick Road for a distance of 5 metres in a northerly direction.	To become a cul-de-sac with access from Everton Road.
7/5	Caird Street	From its junction with West Derby Road for a distance of 16 metres in a northerly direction.	To reduce number of crossing points.
7/8	Perth Street	From its junction with West Derby Road for a distance of 10 metres in a northerly direction.	To reduce number of crossing points.
7/11	Kilshaw Street	From its junction with West Derby Road to its cul-de-sac end.	Tramway uses majority of street, no access.
In the Metropolitan Borough of Knowsley			
22/3	Moorgate Road	At its junction with the access road to Tokenspire Park 170 metres south-west of its junction with County Road, no vehicular access across the central reservation.	Alternative means of crossing the central reservation are available.
25/5	Eagles Court	From its junction with Cherryfield Drive to a point 12 metres north-east of Spicer Grove.	To reduce number of crossing points.
25/15	Access Road to Government Offices	From its junction with Webster Drive for a distance of 10 metres in a north-westerly direction.	New access route via St Chad's Drive.

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(16) No passage of vehicular traffic between the hours of 6.00 a.m. and 6.00 p.m., except for loading between 6.00 a.m. and 10.00 a.m.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
3/6	Stanley Street	Between its junction with Whitechapel and Victoria Street.	Order to be as Whitechapel Pedestrian Zone (Lord Street—Stanley Street), through which will be the only means of access.

(17) No passage of vehicular traffic except for access

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
2/32	Water Street (eastbound)	At its junction with Rumford Street.	Entry for access only.
4/34	Castle Street	From its junction with Dale Street for a distance of 15 metres in a southerly direction.	Dale Street to become tram only, except to allow service access to the Town Hall area.
4/35	High Street	From its junction with Dale Street for a distance of 10 metres in a northerly direction.	Dale Street to become tram only, except to allow service access to the Town Hall area.
4/39	Water Street, northerly part of carriageway	At its junction with Exchange Street East.	Entry available for access only and to reach Exchange Street West.
4/42	Exchange Passage East	At its junction with Exchange Street East.	Entry for access only.
5/43	William Brown Street	At its northerly junction with Commutation Row.	Entry available for access only.
In the Metropolitan Borough of Knowsley			
25/12	Cherryfield Drive	At its junction with Cherryfield Crescent.	Entry available only for cycles, buses, hackney carriage taxis and for access to South Parade.

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(18) No passage of vehicular traffic except for trams

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
1/1	Wapping	To the west of the existing carriageway, from the north side of its junction with Gower Street to the south side of its junction with Salthouse Quay.	Tramway/tramroad physically segregated from other vehicles.
2/1	New tramroad north of Canning Place	From the east side of its junction with Strand Street, for a distance of 133 metres in an easterly direction.	Tramroad physically segregated from other vehicles.
2/4	Strand Street	To the west of the carriageway of Strand Street, from the north side of its junction with Salthouse Quay to its junction with Mann Island.	Tramway physically segregated from other vehicles.
2/5	Mann Island	Southerly carriageway, from its junction with Strand Street to the east side of its junction with George's Pierhead.	Tramway physically segregated from other vehicles.
2/6	George's Pierhead	West of existing carriageway, from the north side of its junction with Mann Island to the west side of its junction with Water Street.	Tramroad physically segregated from other vehicles.
2/9	Water Street	Southerly carriageway, from the east side of its junction with George's Pierhead to the west side of its junction with Goree.	Tramway physically segregated from other vehicles.
2/11	Water Street	Southerly carriageway, from the east side of its junction with The Strand to the west side	No physical segregation from other traffic.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		of its junction with Drury Lane.	
2/15	Water Street	Southerly carriageway, from the east side of its junction with Drury Lane to the west side of its junction with Fenwick Street.	Tramway physically segregated from other vehicles.
2/20	Water Street	New tramway in central reservation between Goree and The Strand.	To protect tramway operation.
3/1	New tramroad north of Hanover Street	From a point 140 metres east of its junction with Strand Street to its junction with Paradise Street.	Tramroad physically segregated from other vehicles.
3/3	Paradise Street	From its junction with Hanover Street to the south side of its junction with School Lane.	Tramway physically segregated from other vehicles.
3/16	Whitechapel	Centre of carriageway, from the north side of its junction with Peter Street to the south side of its junction with Crosshall Street.	Trams run down centre segregating general traffic.
3/24	Whitechapel	Easterly lane of carriageway, from the north side of its junction with Lord Street to the north side of its junction with Stanley Street.	No physical segregation from other traffic.
3/27	Whitechapel	Whole carriageway, between the north side of its junction with Stanley Street and the south side of its junction with Sir Thomas Street.	To restrict use of carriageway to tram only.
3/28	Whitechapel	Easterly lane of carriageway, from the south side of its junction with Sir Thomas Street to	No physical segregation from other traffic.

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		the south side of its junction with Peter Street.	
4/1	Dale Street	Northerly part of carriageway, from the east side of its junction with Exchange Street East to the west side of its junction with Hackins Hey.	No physical segregation from other traffic.
4/2	Dale Street	Northerly part of carriageway, from the east side of its junction with Hackins Hey to the west side of its junction with Eberle Street.	No physical segregation from other traffic.
4/11	Dale Street	Northerly carriageway, from the west side of its junction with Vernon Street to the east side of its junction with Moorfields.	Tramway physically segregated from other vehicles.
4/20	Dale Street	Northerly part of carriageway, from its junction with Crosshall Street to the east side of its junction with Cheapside.	No physical segregation from other traffic.
4/21	Dale Street	From its junction with Hatton Garden to its junction with Crosshall Street.	To restrict use of carriageway to tram only.
4/24	Dale Street	Southerly carriageway, from its junction with Hatton Garden to the west side of its junction with Byrom Street.	Tramway physically segregated from other vehicles. Churchill Way (South) Flyover to be removed.
4/26	Dale Street, northerly part of carriageway	From the east side of its junction with Eberle Street to the west side of its junction with Moorfields.	No physical segregation from other traffic.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
4/27	Dale Street, northerly part of carriageway	From the east side of its junction with Vernon Street to the west side of its junction with Hockenhall Alley.	No physical segregation from other traffic.
4/28	Dale Street, northerly part of carriageway	From the east side of its junction with Hockenhall Alley to the west side of its junction with Cheapside.	No physical segregation from other traffic.
4/32	Water Street	From the east side of its junction with Fenwick Street to the west side of its junction with Castle Street.	To restrict use of carriageway to tram only.
4/36	Dale Street	From the east side of its junction with High Street to the west side of its junction with Exchange Street East.	To restrict use of carriageway to tram only.
5/2	William Brown Street	From its junction with Old Haymarket, for a distance of 170 metres in an easterly direction.	To restrict use of carriageway to tram only.
5/3	St John's Lane	Southerly carriageway, from its junction with Old Haymarket for a distance of 10 metres in a south-easterly direction.	To restrict access to St John's Lane from Old Haymarket to trams only.
5/4	Whitechapel	Easterly carriageway, from its junction with St John's Lane to the north side of its junction with Queen Square.	Tramway physically segregated from other vehicles.
5/5	St John's Lane	Northerly carriageway, from its junction with Old Haymarket to its junction with St George's Place.	Tramway physically segregated from other vehicles.

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5/6	St George's Place	Northerly carriageway, from its junction with St John's Lane to its junction with Lime Street.	Tramway physically segregated from other vehicles.
5/7	Lime Street	Westerly carriageway, from its junction with St George's Place to its junction with William Brown Street.	Tramway physically segregated from other vehicles.
5/8	William Brown Street	Between points 175 metres and 195 metres east of its junction with Old Haymarket.	Tramway physically segregated from other vehicles.
5/11	Old Haymarket	Easterly carriageway, from the east side of its junction with Byrom Street to its junctions with Whitechapel and St John's Lane.	Tramway physically segregated from other vehicles.
5/19	London Road	Northerly carriageway, from the east side of its junction with Commutation Row to the west side of its junction with Fraser Street.	Tramway physically segregated from other vehicles.
5/26	William Brown Street	From the western side of its junction with Lime Street, for a distance of 60 metres in a westerly direction.	To restrict use of carriageway to tram only.
5/28	Whitechapel	Easterly carriageway, from its junction with Queen Square to the north side of its junction with Crosshall Street.	Tramway physically segregated from other vehicles.
5/30	London Road	From the eastern side of its junction with Norton Street to the western side of its junction with Stafford Street.	To restrict use of carriageway to tram only.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
5/31	London Road	Northerly carriageway, from the eastern side of its junction with Fraser Street to the western side of its junction with Norton Street.	Tramway physically segregated from other vehicles.
6/3	London Road	From the east side of its junction with Audley Street to the west side of its junction with Anson Street.	Limit the number of tram crossing points.
6/13	New tramway immediately to the south of Prescot Street	From the east side of its junction with Daulby Street for a distance of some 110 metres in an easterly direction.	Tramway physically segregated from other vehicles. Likely to be private land but needs to be regulated at interfaces with the highway.
6/14	New tramway/ tramroad between Prescot Street and Erskine Street, 120 metres to the east of Moss Street	From the north side of its junction with Prescot Street to the south side of its junction with Erskine Street.	Tramway/tramroad physically segregated from other vehicles. Likely to be private land but needs to be regulated at interfaces with the highway.
6/15	New tramroad to the west of the existing northern arm of Erskine Street, which runs from Erskine Street to Brunswick Road	From the north side of its junction with Erskine Street to the south side of its junction with Brunswick Road.	To restrict use of carriageway to tram only.
6/16	Brunswick Road	North-westerly carriageway, from its junction with Erskine Street slip road to the west side of its junction with Everton Road.	Tramway physically segregated from other vehicles.
6/18	London Road, southerly part of carriageway	From the east side of its junction with Anson Street to the west side of its junction with Daulby Street.	No physical segregation between lanes.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
7/9	New tramway/ tramroad to north-west of West Derby Road	From the eastern side of its junction with Everton Road to the western side of the location where it crosses the West Derby Road carriageway to the southeast of Hygeia Street.	Order required to regulate interface with highway.
8/1	West Derby Road	Southerly carriageway, from a point 75 metres north-east of its junction with Farnworth Street to the western side of its junction with Sheil Road.	Tramway physically segregated from other vehicles.
9/2	Rocky Lane	Southerly carriageway, from the eastern side of its junction with Sheil Road to a point 10 metres east of its junction with Clifton Road.	Tramway physically segregated from other vehicles.
10/1	West Derby Road	Central of three carriageways, from its junction with Alton Road to the west side of its junction with Orphan Drive.	Tramway physically segregated from other vehicles.
10/2	West Derby Road	Central of three carriageways, from the east side of its junction with Orphan Drive to the west side of its junction with Green Lane.	Tramway physically segregated from other vehicles.
10/3	West Derby Road	Central of three carriageways, from the east side of its junction with Green Lane to the west side of its junction with Lisburn Lane.	Tramway physically segregated from other vehicles.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
11/1	New tramway to the north-west of the south-easterly carriageway of Muirhead Avenue	From the northern side of its junction with West Derby Road to the south-western side of its junction with Queen's Drive West Derby.	Tramway physically segregated from other vehicles.
12/2	Queen's Drive West Derby	Central of three carriageways, from the northern side of its junction with Muirhead Avenue to the south-eastern side of its junction with Townsend Avenue.	Tramway physically segregated from other vehicles.
13/1	Townsend Avenue	Central of three carriageways, from the northern side of its junction with Queen's Drive to the southern side of its junction with Utting Avenue.	Tramway physically segregated from other vehicles.
13/6	Utting Avenue East	Central of three carriageways, between the eastern side of its westerly junction and the western side of its easterly junction with Townsend Avenue.	Tramway physically segregated from other vehicles.
14/1	Utting Avenue East	One lane in each direction adjacent to centre of carriageway, from the eastern side of its junction with Broadway to the western side of its junction with Lorenzo Drive.	Tram and vehicles on same carriageway but in same direction. No physical segregation between lanes. Physical segregation between carriageways.
14/9	Utting Avenue East	One lane in each direction adjacent to centre of carriageway, from the eastern side of its junction with Lorenzo Drive to the western side of its junction with Lewisham Road.	Tram and vehicles in same direction, in separate lanes but with no physical segregation. Physical segregation between carriageways.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
14/12	Utting Avenue East	One lane in each direction adjacent to centre of carriageway, from the eastern side of its junction with Lewisham Road to the western side of its junction with Scargreen Avenue.	Tram and vehicles in same direction, in separate lanes but with no physical segregation. Physical segregation between carriageways.
15/10	Utting Avenue East	Central of three carriageways, between a point 110 metres south-west of its junction with Lower House Lane to its junction with Lower House Lane.	Tramway physically segregated from other vehicles.
15/17	Utting Avenue East	One lane in each direction adjacent to centre of carriageway, from the eastern side of its junction with Scargreen Avenue to a point 110 metres south-west of its junction with Lower House Lane.	Tram and vehicles in same direction, in separate lanes but with no physical segregation. Physical segregation between carriageways carrying general traffic.
15/27	Storrington Avenue	Centre of carriageway, from the eastern side of its junction with Lower House Lane for a distance of 55 metres in an easterly direction.	Both modes two way. Trams run down centre segregating direction of general traffic.
16/9	Storrington Avenue	Centre of carriageway, from the eastern side of its junction with Worrow Road to the western side of its junction with Stonebridge Lane.	Both modes two way. Trams run down centre segregating direction of general traffic.
16/20	Storrington Avenue	From a point 65 metres east of the eastern side of its junction with Lower House Lane to the western side of its	Both modes two way. Trams run down centre segregating direction of general traffic.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		junction with Worrow Road.	
17/1	New tramroad to the north-east of and parallel to Stonebridge Lane	From the northern side of its junction with the Stonebridge Lane/Storrington Avenue junction to the southern side of its junction with East Lancashire Road.	Order required to regulate interface with highway. Access across entrances to Shard Close and Hambleton Close permitted until such time as they are closed to traffic.
18/1	New tramway/ tramroad to the north-east of and parallel to East Lancashire Road	From the northern side of its junction with Stonebridge Lane to the western side of its junction with Back Gillmoss Lane.	Order required to regulate interface with highway.
18/5	Back Gillmoss Lane	Between points 95 metres and 230 metres north-east of its junction with East Lancashire Road.	Access route to tram operations and control centre, alternative traffic route provided.
18/6	New tramroad to the west of and parallel to Back Gillmoss Lane	From its junction with Back Gillmoss Lane where it meets the East Lancashire Road for a distance of 75 metres in a north-westerly direction.	Access route to tram operations and control centre.
19/1	New tramway to the north of and parallel to East Lancashire Road	From the eastern side of its junction with Back Gillmoss Lane to the western side of its junction with the un-named new road 300 metres east of Back Gillmoss Lane.	Order required to regulate interface with highway.
19/2	New tramway/ tramroad to the north of and parallel to East Lancashire Road	From the eastern side of its junction with the un-named new road 300 metres east of Back Gillmoss Lane to the western side of its junction with the A580 slip to M57.	Order required to regulate interface with highway.

In the Metropolitan Borough of Knowsley

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
19/3	New tramway to the north of and parallel to East Lancashire Road	From the eastern side of its junction with the A580 slip to M57 to the western side of its junction with the M57 southbound offslip.	Order required to regulate interface with highway.
20/1	New tramway/ tramroad to the north of and parallel to East Lancashire Road	From the eastern side of its junction with the M57 southbound offslip to the southern side of its junction with Ribbler's Lane.	Order required to regulate interface with highway.
21/1	New tramway to the north-west of and parallel to Moorgate Road	From the northern side of its junction with Ribbler's Lane to the southern side of its junction with Bewley Drive.	Tramway physically segregated from other vehicles.
21/2	New tramway to the north-west of and parallel to Moorgate Road	From the northern side of its junction with Bewley Drive to the southern side of its junction with Britonside Avenue.	Tramway physically segregated from other vehicles.
22/1	New tramway/ tramroad to the north-west of and parallel to Moorgate Road and then to the south-west of and parallel to County Road	From the northern side of its junction with Britonside Avenue to the southern side of its junction with Broad Lane.	Tramway/tramroad physically segregated from other vehicles. Order required to regulate interface with highway.
23/1	New tramway/ tramroad to the west of and parallel to County Road	From the northern side of its junction with Broad Lane to the southern side of its junction with Park Brow Drive.	Tramway/tramroad physically segregated from other vehicles.
24/1	New tramway to the west of and parallel to County Road	From the northern side of its junction with Park Brow Drive to the southern side of its junction with Webster Drive.	Tramway physically segregated from other vehicles.
24/2	New tramroad to the north-west of Webster Drive	From the western side of its junction with Webster Drive at the Webster Drive/County	Tramroad physically segregated from other vehicles.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		Road junction for a distance of 25 metres in a south-westerly direction.	
24/3	New tramroad to the north-west of Webster Drive	Between points 31 metres and 62 metres south-west of its junction with Webster Drive at the Webster Drive/County Road junction.	Tramroad physically segregated from other vehicles.
24/4	New tramroad to the north-west of Webster Drive	Between points 68 metres and 76 metres south-west of its junction with Webster Drive at the Webster Drive/County Road junction.	Tramroad physically segregated from other vehicles.
25/4	New tramroad to the north-west of Webster Drive	Between points 84 metres and 105 metres south-west of its junction with Webster Drive at the Webster Drive/County Road junction.	Tramroad physically segregated from other vehicles.
25/8	New tramroad to the south of and parallel to Cherryfield Drive	From its junction with Cherryfield Drive opposite South Parade for a distance of 150 metres in a westerly direction.	Order required to regulate interface with highway.
25/11	New tramway along the centre of Webster Drive	From the western side of its junction with St Chad's Drive to the northern side of its junction with Cherryfield Drive.	Both modes two way. Trams run down centre segregating direction of general traffic. No physical segregation between modes.

(19) Road Closure

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the City of Liverpool			
5/15	Churchill Way (South) Flyover	Between its junctions with Islington and Dale Street.	Road to be closed for flyover to be demolished.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
7/3	Aber Street	From its junction with West Derby Road to its cul-de-sac end.	Tramway uses majority of street, no access.
7/4	Lavan Street	From its junction with West Derby Road to its cul-de-sac end.	Developed area to be demolished.
7/6	Dunkeld Street	From its junction with West Derby Road to its cul-de-sac end.	Tramway uses majority of street, no access.
7/10	Hughes Street	From its junction with West Derby Road to its cul-de-sac end.	Tramway uses majority of street, no access.
7/21	Radcliffe Street	Commencing at a point 15 metres south-west of the Everton Road western sliproad, to the south-west of Everton Road proper from its junction with Brunswick Road, to its cul-de-sac end.	To reduce the number of tram crossings.
17/2	Hambleton Close	From its junction with Stonebridge Lane for a distance of 20 metres in an easterly direction.	Developed area to be demolished.
17/4	Shard Close (southern of two accesses off Stonebridge Lane)	From its junction with Stonebridge Lane for a distance of 20 metres in an easterly direction.	Developed area to be demolished.
17/5	Shard Close (northern of two accesses off Stonebridge Lane)	From its junction with Stonebridge Lane for a distance of 20 metres in an easterly direction.	Developed area to be demolished.
18/2	Canberra Lane	Its entire length.	Developed area to be demolished.
18/3	East Lancashire Road Service Roads north of the eastbound carriageway	All service roads between its junctions with Stonebridge Lane and Back Gillmoss Lane.	Roads will be inaccessible with introduction of tram route.
18/4	Invincible Way	Its entire length.	Developed area to be demolished.

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(20) Trams, buses and hackney carriage taxis only (all two-way)

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Knowsley			
25/6	Cherryfield Drive	From its junction with Webster Drive to its junction with South Parade.	Fully shared carriageway, all permitted modes two-way.

PART 5

REVOCATIONS AND AMENDMENTS

(21) Revoke parking restrictions

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
3/13	Stanley Street	Between its junctions with Whitechapel and Victoria Street.

(22) Revoke parking restrictions, access restrictions and prohibition of driving

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
5/9	William Brown Street	From its junction with Old Haymarket to its junction with Lime Street. (Spur to Commutation Row to remain unchanged.)

(23) Revoke one-way traffic

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
1/2	Liver Street	Between Park Lane and Wapping.
2/14	Water Street	Between its junctions with George's Dock Gates and Dale Street.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
2/37	Drury Lane	Between its junctions with Water Street and Brunswick Street.
3/7	School Lane	Between Paradise Street and Manesty's Lane.
3/14	Whitechapel	Between Stanley Street and Peter Street.
3/18	Victoria Street	Between its junctions with Crosshall Street and Old Haymarket.
3/19	Crosshall Street	Between its junctions with Whitechapel and Victoria Street.
4/4	North John Street	From its junction with Lord Street to its junction with Dale Street.
4/10	Dale Street	Its entire length.
4/29	Cumberland Street	Between Dale Street and Victoria Street.
5/23	Camden Street	Between its junctions with London Road and Islington.
5/29	London Road	From Norton Street to Stafford Street.
6/1	Monument Place	Its entire length.
6/11	Daulby Street	Between London Road and Pembroke Place.
6/17	London Road	Between its junctions with Stafford Street and Moss Street.

(24) Revoke prescription as to direction of traffic

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
4/9	Stanley Street	At its junction with Victoria Street.
4/13	Cumberland Street	At its junction with Dale Street.
4/14	Sir Thomas Street	At its junction with Victoria Street.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
5/20	London Road	At its junction with Camden Street.

(25) Revoke pedestrianisation (to allow for passage of trams)

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
3/11	Whitechapel	Between its junctions with Stanley Street and School Lane.
5/29a	London Road	From Norton Street to Stafford Street.

(26) Revoke prohibition of driving

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
3/10	Paradise Street	At its junction with School Lane.
5/16	William Brown Street	From its northerly junction with Commutation Row for a distance of 5 metres in a westerly direction.
6/9	Unnamed road 20 metres east of Norman Street	Between London Road and Oakes Street.

In the Metropolitan Borough of Knowsley

25/7	Cherryfield Crescent	From its junction with Eagle's Court for a distance of 12 metres in a northerly direction.
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(27) Revoke any conflicting restrictions

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
3/4	Paradise Street	Both sides, from its junction with Hanover Street to its junction with School Lane.
5/29	London Road	From Norton Street to Stafford Street.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
5/33	St George's Place	Southerly carriageway, from its junction with St John's Lane to its junction with Lime Street, to become buses and access only.

(28) Revoke access prohibition

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>
In the City of Liverpool		
4/41	Exchange Passage East	At its junction with Exchange Street East.
4/43	Exchange Passage East	At its junction with High Street.
4/44	Exchange Street West	At its junction with Exchange Passage East.

SCHEDULE 11

Articles 11, 40 and 64

PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

Apparatus of statutory undertakers, etc., on land acquired

1.—(1) Subject to the following provisions of this paragraph, sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers, etc. to remove or re-site apparatus) shall apply in relation to any land acquired under this Order, or which is held by Merseytravel and is appropriated or used (or about to be used) by it for the purposes of the Order or purposes connected therewith, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from Merseytravel compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that sub-paragraph, any person who is—

(a) the owner or occupier of premises the drains of which communicated with that sewer; or

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(b) the owner of a private sewer which communicated with that sewer; shall be entitled to recover from Merseytravel compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, shall not have effect in relation to apparatus as respects which paragraph 2 or Part III of the 1991 Act applies.

(6) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003⁽⁴¹⁾; and

“public utility undertakers”^Ç has the same meaning as in the Highways Act 1980⁽⁴²⁾.

Apparatus of statutory undertakers, etc., in stopped up streets

2.—(1) Where a street is stopped up under article 11 of this Order any statutory utility whose apparatus is under, in, upon, over, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Order had not been made.

(2) Merseytravel shall give not less than 28 days' notice in writing of its intention to stop up any street under article 11 of this Order to any statutory utility whose apparatus is under, in, upon, over, along or across that street.

(3) Where notice under sub-paragraph (2) has been given, any statutory utility whose apparatus is under, in, upon, over, along or across the street may where reasonably necessary for the efficient operation of the undertaking of the statutory utility and, if reasonably requested so to do by Merseytravel, shall—

(a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the statutory utility may reasonably determine and have power to place it; or

(b) provide other apparatus in substitution for the existing apparatus and place it in such position as aforesaid.

(4) Subject to the following provisions of this paragraph, Merseytravel shall pay to any statutory utility an amount equal to the cost reasonably incurred by the statutory utility in or in connection with—

(a) the execution of relocation works required in consequence of the stopping up of the street, and

(b) the doing of any other work or thing rendered necessary by the execution of relocation works.

(5) If in the course of the execution of relocation works under sub-paragraph (3)—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions except where this has been solely due to using the nearest available type, capacity or dimension, or

(b) 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,

⁽⁴¹⁾ 2003 c. 21.

⁽⁴²⁾ 1980 c. 66.

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and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by Merseytravel, or, in default of agreement, is not determined by arbitration to be necessary in consequence of the construction of the authorised works in order to ensure the continued efficient operation of the undertaking of the statutory utility, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory utility by virtue of sub-paragraph (4) shall be reduced by the amount of that excess.

(6) For the purposes of sub-paragraph (5)—

- (a) 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 except in a case where the apparatus as so extended provides more than an equivalent service, and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

(7) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (4) (and having regard, where relevant, to sub-paragraph (5)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory utility 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 as calculated in accordance with the Code of Practice entitled *Measures Necessary where Apparatus is Affected by Major Works (Diversionary Works)* and dated June 1992 and approved by the Secretary of State on 30th June 1992.

(8) Sub-paragraphs (4) to (7) shall not apply where the authorised works constitute major transport works for the purposes of Part III of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works shall be determined in accordance with section 85 of that Act (sharing of costs of necessary measures) and any regulations for the time being having effect under that section, and
- (b) the allowable costs shall be borne by Merseytravel and the statutory utility in such proportions as may be prescribed by any such regulations.

(9) The temporary stopping up, alteration or diversion of any highway under article 11 of this Order shall not affect any right of a public communications provider in respect of any apparatus which at the time of the stopping up or diversion is in the highway.

(10) In this paragraph—

“apparatus” has the same meaning as in Part III of the 1991 Act;

“relocation works” means works executed, or apparatus provided, under sub-paragraph (3); and

“statutory utility” means a statutory undertaker for the purposes of the Highways Act 1980 or a public communications provider as defined in paragraph 1(6).

SCHEDULE 12

Article 69

FOR PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

Interpretation

1. In this Schedule—

“apparatus” means—

- (a) in the case of a specified undertaker which is an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989⁽⁴³⁾) belonging to or maintained by that undertaker,
- (b) in the case of a specified undertaker which is a gas undertaker, mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part I of the Gas Act 1986⁽⁴⁴⁾ for the purposes of the transportation and storage of gas,
- (c) in the case of a specified undertaker which is a water undertaker, mains, pipes or other apparatus belonging to or maintained by the undertaker for the purposes of water supply, and
- (d) in the case of a specified undertaker which is a sewerage undertaker,
 - (i) any drain or works vested in the undertaker under the Water Industry Act 1991⁽⁴⁵⁾; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104; and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure for the lodging therein of apparatus or for giving access to such apparatus;

“construction” includes execution, placing, altering, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation;

“emergency works” has the same meaning as in section 52 of the 1991 Act;

“in”, in a context referring to apparatus in land, includes under, over, across, along or upon land;

“necessary alternative apparatus” means alternative apparatus adequate to enable a specified undertaker to fulfil its statutory or licensed functions in a manner no less efficient than previously;

“plans” includes sections, specifications and method statements;

“specified undertaker” means—

- (a) Transco plc, whose registered office is 1-3 Strand, London WC2N 5EH;
- (b) United Utilities Water Plc, whose registered office is Dawson House, Great Sankey, Warrington, Cheshire WA5 3LW;
- (c) S P Manweb Plc, whose registered office is 3 Prenton Way, Prenton CH43 3ET; and
- (d) National Grid Company Plc, whose registered office is 1-3 Strand, London WC2N 5EH.

⁽⁴³⁾ 1989 c. 29.

⁽⁴⁴⁾ 1986 c. 44. A new section 1 was substituted by section 5 of the Gas Act 1995, c. 45, and was further amended by section 76 of the Utilities Act 2000, c. 27.

⁽⁴⁵⁾ 1991 c. 56.

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or any person succeeding any such company as a licence holder within the meaning of Part I of the Electricity Act 1989, a gas transporter within the meaning of Part I of the Gas Act 1986(46), a water undertaker within the meaning of the Water Industry Act 1991 or as a sewerage undertaker within the meaning of Part I of that Act, and “the specified undertaker” in relation to any apparatus means the specified undertaker to whom the apparatus belongs or by whom it is maintained; and

“specified work” means any of the authorised works which—

- (a) will or may be situated over or within 15 metres measured in any direction of, or may in any way adversely affect, any apparatus; or
- (b) wherever situated, imposes any load upon any sewer; the removal of which has not been required under paragraph 8.

Application of Schedule 11

2. Paragraphs 1(1) and 2 of Schedule 11 to this Order shall not apply in relation to a specified undertaker and paragraphs 1(3) and 1(4) of that Schedule shall have effect as if they referred to apparatus removed under this Schedule.

Apparatus in stopped up streets

3. Where any street is stopped up under article 11 of this Order, any specified undertaker whose apparatus is in the street shall have the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and Merseytravel will grant to the specified undertaker legal easements reasonably satisfactory to the specified undertaker in respect of such apparatus and access thereto, but nothing in this paragraph shall affect any right of Merseytravel or of the specified undertaker to require the removal of that apparatus under paragraph 8 or the power of Merseytravel to carry out works under paragraphs 20 to 29.

4. Merseytravel shall give not less than 28 days' notice in writing of its intention to stop up any street under article 11 of this Order to any specified undertaker whose apparatus is in that street.

On-street apparatus

5. This Schedule shall not apply to anything done or proposed to be done in relation to or affecting any apparatus in so far as the relations between Merseytravel and the specified undertaker are regulated by the provisions of Part III of the 1991 Act.

Acquisition of land

6. Merseytravel shall not acquire any apparatus from a specified undertaker pursuant to this Order otherwise than by agreement, which shall not be unreasonably withheld.

7. Merseytravel may in exercise of the powers of this Order acquire or appropriate any land in which any apparatus is placed and, following the removal of such apparatus in accordance with the provisions of this Schedule, any rights in that land relating to that apparatus shall be extinguished but no apparatus shall be removed nor shall any right of the specified undertaker to use, maintain or renew any apparatus be extinguished until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the specified undertaker.

(46) 1986 c. 44.

Removal of apparatus

8. Paragraphs 9 to 12 apply where—

- (a) Merseytravel requires the removal of any apparatus for the purpose of constructing any of the authorised works and gives to the specified undertaker not less than 56 days' written notice of that requirement together with a plan of the proposed work and of the proposed position of the alternative apparatus to be provided or constructed; or
- (b) in consequence of the exercise or proposed exercise of any of the powers of this Order, the specified undertaker reasonably requires to remove any apparatus.

9. Merseytravel shall, if it is practicable to do so, afford to the specified undertaker the necessary rights and facilities for the construction of any necessary alternative apparatus in other land which is available for the purpose and which is held or used, or intended for use, by Merseytravel for the purpose of its undertaking under this Order or in which it has sufficient rights or interests and thereafter for the use, maintenance and renewal of such apparatus and, if Merseytravel is unable to obtain those rights and facilities, the specified undertaker shall, on receipt of a written notice to that effect from Merseytravel, use its best endeavours to obtain the necessary rights and facilities.

10. The obligation imposed upon the specified undertaker by paragraph 9 shall not extend to the exercise by the specified undertaker of any power to acquire any land or rights in land by compulsory purchase order.

11. Any alternative apparatus to be constructed by the specified undertaker pursuant to paragraph 9 shall be constructed in such manner, and in such line or situation, as may be agreed between the specified undertaker and Merseytravel or, in default of agreement, determined by arbitration.

12. The specified undertaker shall, after the manner of construction and the line or situation of any necessary alternative apparatus have been agreed or determined and after the grant to or obtaining by the specified undertaker of any such facilities and rights as are referred to in paragraph 9, proceed with all reasonable despatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by Merseytravel to be removed in accordance with paragraph 8.

Removal of apparatus and construction of alternative apparatus by Merseytravel

13. Paragraphs 14 to 16 apply to so much of the work necessary in connection with the construction of alternative apparatus, or the removal of apparatus required to be removed, as will take place in any land held or used, or intended for use, by Merseytravel for the purpose of its undertaking.

14. If Merseytravel gives notice in writing to the specified undertaker that it desires to carry out any part of any work to which this paragraph applies, such work, instead of being carried out by the specified undertaker, may be carried out by Merseytravel with the prior written consent of the specified undertaker (which shall not be unreasonably withheld and shall be subject to any such conditions as are reasonable and proper to protect the apparatus) in accordance with plans and in a position agreed between the specified undertaker and Merseytravel or, in default of agreement, determined by arbitration, with all reasonable despatch under the superintendence (if given) and to the reasonable satisfaction of the specified undertaker.

15. In carrying out any work under paragraph 14 Merseytravel shall comply with all statutory obligations which would have been applicable had the works been carried out by the specified undertaker.

16. Nothing in paragraph 14 shall authorise Merseytravel to carry out the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or, where the apparatus is laid in a trench, execute any filling around the apparatus within 600 millimetres (measured in any direction) of the apparatus.

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Facilities and rights for alternative apparatus

17. Where, in accordance with the provisions of this Schedule, Merseytravel affords to the specified undertaker facilities and rights for the construction, use, maintenance and renewal in land of Merseytravel of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between Merseytravel and the specified undertaker or, in default of agreement, determined by arbitration.

18. In determining the terms and conditions mentioned in paragraph 17 in respect of alternative apparatus to be constructed across or along the authorised works the arbitrator shall—

- (a) give effect to all reasonable requirements of Merseytravel for ensuring the safety of the authorised works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such works; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the case, give effect to any terms and conditions applicable to the apparatus (if any) constructed across or along the authorised works for which the alternative apparatus is to be substituted and to any other reasonable requirements of the specified undertaker.

19. If the facilities and rights to be afforded by Merseytravel in respect of any alternative apparatus under paragraph 17 and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the specified undertaker than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by Merseytravel by or to the specified undertaker in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case.

Retained apparatus: protection and plan approval

20. Not less than 56 days before commencing to construct or renew any specified work, Merseytravel shall submit to the specified undertaker plans of the works.

21. In relation to a work which is a specified work because of its proximity to or effect on a sewer, the plans to be submitted to the specified undertaker under paragraph 20 shall be detailed plans describing—

- (a) the exact position of the specified work;
- (b) the level at which it is proposed to be constructed or renewed;
- (c) the manner of its construction or renewal;
- (d) the position of all sewers within 15 metres of the specified work or upon which the specified work will impose a load; and
- (e) by way of detailed drawings, every alteration proposed to be made to any such sewer.

22. Merseytravel shall not commence the construction or renewal of any specified work to which paragraph 21 applies until the specified undertaker has given written approval of the plans so submitted.

23. Any approval of the specified undertaker required under paragraph 22—

- (a) may be given subject to reasonable conditions for any purpose mentioned in paragraph 24;
- (b) shall not be unreasonably withheld; and
- (c) shall be deemed to have been given if it is neither given nor refused within 56 days of the submission of plans for approval.

24. In relation to a work to which paragraph 21 applies, the specified undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its sewerage system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any sewer.

25. A specified work shall be constructed (and in the case of any temporary work removed) only in accordance with—

- (a) the plans submitted as aforesaid (and, in the case of plans relating to sewers approved, deemed to have been approved or settled by arbitration, as amended from time to time by agreement between Merseytravel and the specified undertaker); and
- (b) all reasonable requirements made by the specified undertaker for the alteration, or otherwise for the protection, of the apparatus, or for securing access thereto;

and the specified undertaker shall be entitled by its officer to watch and inspect the carrying out of the work.

26. If within 42 days after the submission to it of any plans under paragraph 20, in consequence of the works proposed by Merseytravel the specified undertaker reasonably requires the removal of any apparatus and gives written notice to Merseytravel of that requirement, the foregoing provisions of this Schedule shall have effect as if the removal of such apparatus had been required by the specified undertaker under paragraph 8.

27. Nothing in paragraph 20 or 26 shall preclude Merseytravel from submitting at any time, or from time to time, but in no case less than 28 days before commencing the construction of any specified work, a new plan thereof in lieu of the plan previously submitted, and thereupon the provisions of those paragraphs shall apply to, and in respect of, such new plan save that the reference in paragraph 26 to 42 days shall be treated as a reference to 21 days.

28. Merseytravel shall not be required to comply with paragraph 20 in a case where it is necessary to carry out emergency works but, in such a case, it shall give to the specified undertaker notice so soon as reasonably practicable, and a plan of the works so soon as reasonably practicable thereafter, and shall comply with paragraph 25 so far as reasonably practicable in the circumstances.

29. Nothing in paragraph 28 shall entitle Merseytravel to carry out works to any apparatus but, upon receipt of notice from Merseytravel, the specified undertaker shall proceed to carry out such works as may be required with all reasonable despatch.

Co-operation

30. Where in consequence of the proposed construction of any of the authorised works, Merseytravel or a specified undertaker requires the removal of apparatus under paragraph 8 or a specified undertaker makes requirements for the protection or alteration of apparatus under paragraph 25, Merseytravel shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and each specified undertaker shall use its best endeavours to co-operate with Merseytravel for that purpose.

Access

31. If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed Merseytravel shall provide such alternative means of access to such apparatus as will enable the specified undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

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Expenses

32. Subject to the provisions of the following paragraphs of this Schedule, Merseytravel shall repay to the specified undertaker the reasonable expenses incurred by the specified undertaker in, or in connection with—

- (a) the inspection, removal and relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus under any provision of this Schedule (including any costs reasonably incurred or compensation properly paid in connection with the acquisition of rights or exercise of statutory powers for such apparatus);
- (b) the cutting off of any apparatus from any other apparatus, or the making safe of any redundant apparatus in consequence of the exercise by Merseytravel of any power under this Order;
- (c) the survey of any land, apparatus or works, the inspection, superintendence and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the exercise by Merseytravel of any power under this Order; and
- (d) any other work or thing rendered reasonably necessary in consequence of the exercise by Merseytravel of any such power;

within a reasonable time of being notified by the specified undertaker that it has incurred such expenses.

33. There shall be deducted from any sum payable under paragraph 32 the value of any apparatus removed under the provisions of this Schedule, that value being calculated after removal.

34. If in pursuance of the provisions of this Schedule—

- (a) alternative apparatus of better type, or greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type; or
- (b) apparatus (whether existing apparatus or alternative apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated;

and the placing of apparatus of that type or capacity or of those dimensions, or the placing of apparatus at that depth, as the case may be, is not agreed by Merseytravel or, in default of agreement, is not determined by arbitration to be necessary having regard, among other things, to the nature of the authorised works, then, if such placing involves cost in the construction of works under paragraphs 9 to 12 exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the specified undertaker by virtue of paragraph 32 shall be reduced by the amount of that excess.

35. For the purposes of paragraph 34—

- (a) 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 except in a case where the apparatus as so extended serves a purpose (either additional to or instead of that served by the existing apparatus) which was not served by the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

36. An amount which apart from this paragraph would be payable to the specified undertaker in respect of works by virtue of paragraphs 32 to 35 shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on

the specified undertaker any financial benefit by deferment of the time for renewal of the apparatus or of the system of which it forms part in the ordinary course, be reduced by the amount which represents that benefit as calculated in accordance with the Code of Practice entitled “Measures Necessary where Apparatus is Affected by Major Works (Diversionary Works)” and dated June 1992 and approved by the Secretary of State on 30th June 1992.

37. In any case where work is carried out by Merseytravel pursuant to paragraphs 14 to 16 and, if such work had been carried out by the specified undertaker, the repayment made to the specified undertaker under paragraph 32 would fall to be reduced pursuant to paragraphs 34 to 36, the specified undertaker shall pay to Merseytravel such sum as represents the amount of that reduction.

Indemnity

38. If, by reason or in consequence of the construction, maintenance or failure of any of the authorised works, including any works carried out by Merseytravel pursuant to paragraph 14 or protective works required by a condition imposed under paragraph 23(a) or required under paragraph 25(b), or any subsidence resulting from any of those works, any damage shall be caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or other property of the specified undertaker, or there is any interruption in any service provided by the specified undertaker, Merseytravel shall repay the cost reasonably incurred by the specified undertaker in making good such damage, or restoring the supply, and shall—

- (a) make reasonable compensation to the specified undertaker for any loss sustained by it; and
- (b) indemnify the specified undertaker against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from, or incurred by, the specified undertaker;

by reason or in consequence of any such damage or interruption; and the fact that any act or thing may have been done by the specified undertaker on behalf of Merseytravel or in accordance with plans approved by the specified undertaker or in accordance with any requirement of the specified undertaker or under its supervision shall not, subject to paragraph 39, excuse Merseytravel from any liability under the provisions of this paragraph.

39. Nothing in paragraph 38 shall impose any liability on Merseytravel with respect to any damage or interruption to the extent that such damage or interruption is attributable to the neglect or default of the specified undertaker, its officers, servants, contractors or other agents.

40. The specified undertaker shall give to Merseytravel reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of Merseytravel which shall not be unreasonably withheld.

Exercise of safeguarding and survey powers

41. Merseytravel shall, so far as is reasonably practicable, so exercise the powers conferred by article 22 of this Order as not to obstruct or render less convenient the access to any apparatus.

42. Merseytravel shall not, in the exercise of the powers of section 11(3) of the 1965 Act, as applied by this Order, or of article 25 of this Order, make any trial holes which interfere with any apparatus without the consent of the specified undertaker (which shall not be unreasonably withheld).

Arbitration

43. Any difference arising between Merseytravel and a specified undertaker under this Schedule (other than a difference as to its meaning or construction) shall be determined by arbitration in the manner provided by article 77 of this Order and in determining any difference under this Schedule

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the arbitrator may, if he thinks fit, require Merseytravel to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

Transfer of powers

44. Merseytravel shall give notice to every specified undertaker if any of the powers of Merseytravel under this Order are transferred to another person in accordance with article 52 of this Order and any such notice shall be given within 14 days of any such transfer becoming effective and shall describe or give (as appropriate)—

- (a) the nature of the functions to be transferred;
- (b) the extent of that transfer;
- (c) the geographical area to which the transfer relates;
- (d) the name and address of the transferee; and
- (e) the effective date of the transfer.

45. The obligation to give notice under paragraph 44 to a successor in title to a specified undertaker named in paragraph 1 shall only apply to the extent that Merseytravel has been informed by notice in writing by that named undertaker, or by a successor in title to that named undertaker, as the case may be, of the name and address of that successor in title.

Notices

46. Any notice in writing to be given by Merseytravel to a specified undertaker under this Schedule shall be deemed effectively given if sent by recorded delivery or by registered letter addressed to the registered office of that specified undertaker.

SCHEDULE 13

Article 70

FOR PROTECTION OF BRITISH WATERWAYS BOARD

1. For the protection of the British Waterways Board the following provisions shall, unless otherwise agreed in writing between Merseytravel and the British Waterways Board, have effect.

Interpretation

2. In this Schedule—

“the Board” means the British Waterways Board;

“the Board’s network” means the Board’s network of waterways;

“construction”, in relation to any specified work or protective work, includes—

- (a) the execution and placing of that work; and
- (b) any relaying, renewal or maintenance of that work as may be carried out during the period of 24 months from the completion of that work; and

“construct” and “constructed” have corresponding meanings;

“detriment” means any damage to a waterway or any other property of the Board and, without prejudice to the generality of that meaning, includes—

- (a) any obstruction of, or interference with, or hindrance or danger to, navigation or to any use of a waterway;

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- (b) the erosion of the bed or banks of a waterway, or the impairment of the stability of any works, lands or premises forming part of a waterway;
- (c) the siltation of a waterway or the deposit of materials in, so as to materially damage the waterway;
- (d) the pollution of a waterway;
- (e) any material alteration in the water level of a waterway, or material interference with the supply of water thereto, or drainage of water therefrom;
- (f) any material harm to the ecology of a waterway (including any material adverse impact on any site of special scientific interest comprised in the Board's network); and
- (g) any interference with the exercise by any person of rights over the Board's network;

"the engineer" means an engineer appointed by the Board for the purpose in question;

"plans" includes sections, designs, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction) and programmes;

"protective work" means a work constructed under paragraph 7(3)(a);

"specified work" means so much of any of the authorised works as is situated upon, across, under, over or within 15 metres of, or may in any way affect a waterway; and

"waterway" means Canning Dock, Salthouse Dock, Wapping Basin and Duke's Dock in the city of Liverpool and includes any works, lands or premises belonging to the Board, or under its management or control, and held or used by the Board in connection with Canning Dock, Salthouse Dock, Wapping Basin and Duke's Dock.

Powers requiring the Board's consent

3.—(1) Merseytravel shall not under the powers conferred by this Order acquire, compulsorily any land of the Board relating to the waterway or any easement or other right over such land, or use any such land, unless such acquisition or use is with the consent of the Board.

(2) Merseytravel shall not in the exercise of the powers conferred by this Order permanently obstruct or interfere with pedestrian or vehicular access to a waterway unless such permanent obstruction or interference with such access is with the consent of the Board.

(3) Nothing in article 21 shall authorise Merseytravel—

- (a) to discharge any water directly or indirectly into a waterway; or
- (b) to carry out any works to, or make any opening in, or otherwise interfere with, a waterway (including the banks and bed thereof),

except with the consent of the Board and in accordance with plans approved by, and under the supervision (if given) of, the engineer.

(4) Merseytravel shall not exercise any power conferred by this Order in such a way as to interfere with the supply of water to or the drainage of water from a waterway unless such exercise is with the consent of the Board.

(5) Merseytravel shall not exercise the powers conferred by article 25, or the powers conferred by section 11(3) of the 1965 Act, in relation to a waterway unless such exercise is with the consent of the Board.

(6) Merseytravel shall not exercise the powers conferred by sections 271 or 272 of the 1990 Act, as applied by Schedule 11 to this Order, so as to divert any right of access to a waterway, but such right of access may be diverted with the consent of the Board.

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(7) The consent of the Board pursuant to sub-paragraphs (1) to (6) and the approval of plans under sub-paragraph (3) shall not be unreasonably withheld or delayed but may be given subject to reasonable terms and conditions which, in the case of article 21, may include conditions—

- (a) specifying the maximum volume of water which may be discharged in any period; and
- (b) authorising the Board on giving reasonable notice (except in an emergency, when the Board may require immediate suspension) to Merseytravel to require Merseytravel to suspend the discharge of water or reduce the flow thereof where this is necessary by reason of any operational requirement of the Board.

Vehicles, plant and machinery

4.—(1) Merseytravel shall not use any land or property of the Board forming part of a waterway for the passage or siting of vehicles, plant or machinery employed in the construction of the specified works other than—

- (a) with the consent in writing of the engineer, whose consent shall not be unreasonably withheld; and
- (b) subject to compliance with such reasonable requirements as the engineer may from time to time specify—
 - (i) for the prevention of detriment; or
 - (ii) in order to avoid or reduce any inconvenience to the Board, its officers and agents and all other persons lawfully on such land or property;

but nothing in this paragraph shall apply in relation to anything done in accordance with any approval given by the Board under paragraph 7.

Fencing

5. Where so required by the engineer Merseytravel shall to the reasonable satisfaction of the engineer fence off a specified work or a protective work or take such other steps as the engineer may require to be taken for the purpose of separating a specified work or a protective work from a waterway, whether on a temporary or permanent basis or both.

Survey of waterway

6.—(1) Before the commencement of the initial construction of any part of the specified works and again following completion of the specified works Merseytravel shall bear the reasonable cost of the carrying out by a qualified engineer (the “engineer”), to be approved by the Board and Merseytravel, of surveys (“the surveys”) of so much of the waterway and of any land and existing works of Merseytravel which may provide support for the waterway as will or may be affected by the specified works.

(2) For the purposes of the surveys Merseytravel shall—

- (a) on being given reasonable notice (save in case of emergency, when immediate access shall be afforded) afford reasonable facilities to the engineer for access to the site of the specified works and to any land and existing works of Merseytravel which may provide support for the waterway as will or may be affected by the specified works; and
- (b) supply the engineer as soon as reasonably practicable with all such information as he may reasonably require with regard to such existing works of Merseytravel and to the specified works or the method of construction thereof.

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(3) The reasonable costs of the surveys shall include the costs of any dewatering or reduction of the water level of any part of the waterway (where reasonably required) which may be effected to facilitate the carrying out of the surveys and the provisions of this Schedule shall apply with all necessary modifications to any such dewatering or reduction in the water level as though the same were specified works.

(4) Copies of the surveys shall be provided to both the Board and Merseytravel.

Approval of plans, protective works, etc.

7.—(1) Merseytravel shall before commencing construction of any specified work including any temporary works supply to the Board proper and sufficient plans of that work and such further particulars available to it as the Board may within 14 days of the submission of the plans reasonably require for the approval of the engineer and shall not commence such construction of a specified work until plans of that work have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) shall not be unreasonably withheld or delayed, and if within 56 days after such plans (including any other particulars reasonably required under sub-paragraph (1)) have been supplied to the Board the engineer has not intimated his disapproval of those plans and the grounds of his disapproval he shall be deemed to have approved the plans as submitted.

(3) When signifying his approval of the plans the engineer may specify—

(a) any protective work (whether temporary or permanent) which in his reasonable opinion is reasonably necessary to be carried out before the commencement of a specified work to prevent detriment; and

(b) such other requirements as may be reasonably necessary to prevent detriment;

and such protective works shall be constructed by Merseytravel or by the Board at Merseytravel's request with all reasonable dispatch and Merseytravel shall not commence the construction of a specified work until the engineer has notified Merseytravel that the protective works have been completed to his reasonable satisfaction.

(4) Merseytravel shall pay to the Board a capitalised sum representing the reasonably increased or additional cost of maintaining and, when necessary, renewing any works, including any permanent protective works provided under sub-paragraph (3), and of carrying out any additional dredging of the waterway necessitated by the exercise of any of the powers of this Order but if the cost of maintaining the waterway, or of works of renewal of the waterway, is reduced in consequence of any such works, a capitalised sum representing such reasonable saving shall be set off against any sum payable by Merseytravel to the Board under this paragraph.

Design of works

8. Without prejudice to its obligations under the foregoing provisions of this Schedule Merseytravel shall consult the Board on—

(a) the design and appearance of the specified works, including the materials to be used for their construction; and

(b) the environmental effects of the specified works;

and shall have regard to such reasonable views as may be expressed by the Board, to the extent that these accord with the requirements of the local planning authority in response to such consultation, pursuant (in particular) to the requirements imposed on the Board by section 22

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(General environmental and recreational duties) of the British Waterways Act 1995⁽⁴⁷⁾ and to the interest of the Board in preserving and enhancing the environment of its waterways.

Notice of works

9. Merseytravel shall give to the engineer 56 days' notice of its intention to commence the construction of any of the specified or protective works, or, in the case of repair carried out in an emergency, such notice as may be reasonably practicable so that, in particular, the Board may where appropriate arrange for the publication of notices bringing those works to the attention of users of the Board's network.

Lighting

10. Merseytravel shall provide and maintain at its own expense in the vicinity of the specified or protective works such temporary lighting and such signal lights for the control of navigation as the engineer may reasonably require during the construction or failure of the specified or protective works.

Construction of specified works

11.—(1) Any specified or protective works shall, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and with any requirements made under paragraph 7(3)(b);
- (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little detriment as is reasonably practicable; and
- (d) in such manner as to cause as little inconvenience as is reasonably practicable to the Board, its officers and agents and all other persons lawfully using the waterways, except to the extent that temporary obstruction has otherwise been agreed by the Board.

(2) Following the completion of the construction of the specified works Merseytravel shall restore the waterway to a condition no less satisfactory than its condition immediately prior to the commencement of those works.

Prevention of pollution

12. Merseytravel shall not in the course of constructing a specified work or a protective work or otherwise in connection therewith do or permit anything which may result in the pollution of a waterway or the deposit of materials therein and shall take such steps as the engineer may reasonably require to avoid or make good any breach of its obligations under this paragraph.

Access to work: provision of information

13.—(1) Merseytravel, on being given reasonable notice, shall—

- (a) at all times allow reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as he may reasonably require with regard to a specified work or the method of constructing it.

(2) The Board, on being given reasonable notice, shall—

(47) 1995 c.i.

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- (a) at all times afford reasonable facilities to Merseytravel and its agents for access to any works carried out by the Board under this Schedule during their construction; and
- (b) supply Merseytravel with such information as it may reasonably require with regard to such works or the method of constructing them.

Costs of alterations, etc.

14. Any additional expenses which the Board may reasonably incur in altering, reconstructing or maintaining a waterway under any powers in existence at the time of this Order by reason of the existence of a specified work shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to Merseytravel, be repaid by Merseytravel to the Board.

Maintenance of works

15. If at any time after the completion of a specified work or a protective work, not being a work vested in the Board, the Board gives notice to Merseytravel informing it that the state of maintenance of the work appears to be such that the work is causing or likely to cause detriment, Merseytravel shall, on receipt of such notice, take such steps as may be reasonably necessary to put the work in such state of maintenance as not to cause such detriment.

Repayment of the Board's fees, etc.

16. Merseytravel shall repay to the Board all fees, costs, charges and expenses reasonably and properly incurred by the Board—

- (a) in constructing any protective works under the provisions of paragraph 7(3)(a);
- (b) in respect of the approval by the engineer of plans submitted by Merseytravel and the supervision by him of the construction or repair of a specified work and any protective works;
- (c) in respect of the employment during the construction of the specified works or any protective works of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting any waterway and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works or any protective works; and
- (d) in bringing the specified works or any protective works to the notice of users of the Board's network.

Making good of detriment: compensation and indemnity, etc.

17.—(1) If any detriment shall be caused by the construction or failure of the specified works, or the protective works if carried out by Merseytravel, Merseytravel (if so required by the Board) shall make good such detriment and shall pay to the Board all reasonable expenses to which the Board may be put, and compensation for any loss which the Board may sustain, in making good or otherwise by reason of the detriment.

(2) Merseytravel shall be responsible for and make good to the Board all costs, charges, damages, expenses and losses not otherwise provided for in this Schedule which may be occasioned to or reasonably incurred by the Board—

- (a) by reason of the construction of a specified work or a protective work or the failure thereof;
or

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- (b) by reason of any act or omission of Merseytravel or of any person in its employ or of its contractors or others whilst engaged upon the construction of a specified work or a protective work;

and subject to sub-paragraph (4) Merseytravel shall effectively indemnify and hold harmless the Board from and against all claims and demands arising out of or in connection with any of the matters referred to in paragraphs (a) and (b).

(3) The fact that any act or thing may have been done by the Board on behalf of Merseytravel or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision or in accordance with any directions or awards of an arbitrator shall not (if it was done without negligence on the part of the Board or of any person in its employ or of its contractors or agents) excuse Merseytravel from any liability under the provisions of this paragraph.

(4) The Board shall give Merseytravel reasonable notice of any such claim or demand as aforesaid and no settlement or compromise of such a claim or demand shall be made without the prior consent of Merseytravel.

Details of capitalised sums to be provided

18. Where under any provision of this Schedule the Board or Merseytravel (as the case may be) is entitled to a capitalised sum, it shall provide such details of the formula by which the sum is calculated as may reasonably be requested by the party required to pay the sum.

Arbitration

19. Any difference arising between Merseytravel and the Board under this Schedule (other than a difference as to the meaning or construction of this Schedule) shall be referred to and settled by arbitration in accordance with article 77.

EXPLANATORY NOTE

This note is not part of the Order)

This Order authorises the Merseyside Passenger Transport Executive (known as Merseytravel) to construct and operate a tram system between King’s Dock in the City of Liverpool and Kirkby in the Metropolitan Borough of Knowsley and, for that purpose, compulsorily or by agreement to acquire land and rights in land and to use land. It contains a number of protective provisions for the benefit of affected undertakings.

A copy of the works and land plans, the book of reference and the traffic regulation order plans mentioned in this Order and certified in accordance with article 74 of this Order, may be inspected free of charge during working hours at Merseytravel’s offices at 24 Hatton Garden, Liverpool L3 2AN.