



# Leeds Supertram Act 1993

## 1993 CHAPTER xv

### PART II

#### WORKS

#### 6 Power to make works

- (1) Subject to the provisions of this Act, the Executive may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain in the City the works specified in Part I of Schedule 1 to this Act, with all necessary works and conveniences connected therewith.
- (2) Notwithstanding anything in this Act or shown on the deposited plans or the deposited sections, but without prejudice to the provisions of section 12 (Power to deviate) of this Act, the Executive may, with the consent of the Secretary of State, construct the whole or part of Works Nos. 2, 2A, 2B, 3, 3C, 9, 9A and 9B within the limits of deviation therefor in accordance with the dimensions and descriptions specified in the consent, instead of the dimensions and descriptions shown on the deposited plans and the deposited sections or specified in Part I of Schedule 1 to this Act, and, if so specified in such consent, the whole or part of the said Works Nos. 2, 3 and 9, as so specified, may be treated as if it were designated by this Act as a tramway.

#### 7 Further works and powers

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

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- (a) increase the width of the carriageway of the road by reducing the width of any footway, cycle track or verge or other land within the boundary of the road;
  - (b) alter or interfere with the level of any kerb, footway, cycle track, verge or other land within the boundary of the road; or
  - (c) at any place on a tramway reduce the width of the carriageway of the road by forming a reserved area in the road or by setting forward the kerbline of the road and providing access for vehicles to adjoining premises and a footway on the side of that kerbline nearest to those premises.
- (3) No footway shall, under subsection (2) above, be reduced to a width less than 1·80 metres (5 feet 11 inches).
- (4) Where the carriageway, or part of the carriageway, of any road in which a tramway is laid is of sufficient width to provide not less than 3·3 metres of width for vehicular traffic clear of the tramway path (as determined in accordance with the clearance required by the Secretary of State), the Executive may, with the consent of the highway authority, carry out such works as may be required to deter, but not prevent, the passage of vehicular traffic along the tramway, whether by raising or lowering the level of the part of the carriageway occupied by the tramway path above or below the level of the adjoining carriageway or by placing a kerb or other obstruction along the edge of that adjoining carriageway.
- (5) In the case of any length of tramway which is situated clear of the carriageway of any road, the Executive may, with the consent of the highway authority, lay and maintain the tramway in such manner that the uppermost surface of the rails is not on a level with the surface of the ground in which it is laid.
- (6)
  - (a) Subject to the provisions of this Act, the Executive may—
    - (i) lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways, either when constructing it or at any time thereafter, and construct or take up and reconstruct any such tramway or associated work in such position in the road or land in which it is authorised to be constructed as they think fit; and
    - (ii) make, maintain, alter and remove such crossings, passing places, sidings, junctions and other works, in addition to those specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramway system, for the purposes of the control of traffic or for providing access to any premises.
  - (b) The powers of paragraph (a) above shall not be exercised in any road which is a highway without the consent of the highway authority.
- (7)
  - (a) When, by reason of the carrying out of any work affecting any road along or across which any tramway is laid, it is, in the opinion of the Executive, necessary or expedient temporarily to remove or discontinue the use of that tramway, or any part thereof, the Executive may, with the consent of the highway authority, construct and maintain, in the same or any adjacent road, a temporary tramway in lieu of the length of tramway so removed or discontinued.
  - (b) If the Executive alter the route of a tramway under paragraph (a) above, they shall, in accordance with section 8 (2) of this Act, provide traffic signs to give warning of such alteration and any associated traffic arrangements.

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- (8) Notwithstanding anything in section 68 of the Act of 1845, where any part of a railway is constructed on any verge or roadside waste comprised in a road, the Executive shall not be required to fence that part of that railway.
- (9) (a) Wherever in this section the consent of the highway authority is required, that consent shall be in writing and may be given subject to such conditions as the highway authority may reasonably require, but shall not be unreasonably withheld.
- (b) If, within 56 days of application for any such consent and the supply of such plans, specifications and particulars as the highway authority may reasonably require in connection with the application, the highway authority do not grant consent, with or without conditions, the consent applied for shall be deemed to have been refused.
- (c) Any difference arising between the Executive and the highway authority under this subsection shall be determined by the Secretary of State.
- (10) The Executive shall construct a good and sufficient fence on each side of any road bridge in respect of which widening is carried out as part of the authorised works.

## **8 Further provisions as to tramways**

- (1) The tramways shall be so laid and maintained that—
- (a) except as provided in section 7 (4) and (5) of this Act, the uppermost surface of the rails is level with the surrounding surfaces of the road in which they are laid; and
- (b) the distance between the sides of the widest trams when passing one another thereon shall not be less than 380 millimetres (15 inches).
- (2) (a) On completion of any tramway the Executive shall provide traffic signs to give warning to other traffic of the presence of the tramway.
- (b) Subject to any directions and any other requirements given or imposed by the Secretary of State with respect to such a traffic sign, the places at which the traffic signs are displayed shall be such as may be approved by the highway authority.
- (3) (a) Where a tramway has been constructed in a road in such manner that—
- (i) the uppermost surface of the rails is level with the surface of the road; or
- (ii) the level of the width of the carriageway occupied by the tramway path is altered as provided in section 7 (4) of this Act;
- works for the purpose, or having the effect, of altering the level of the part of the road in which the tramway is situated shall not be carried out without the consent of the Executive.
- (b) Consent under paragraph (a) above may be given subject to such reasonable terms and conditions as the Executive may require, but shall not be unreasonably withheld, and any difference arising under this paragraph shall be determined by the Secretary of State.

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## **9 Level crossings**

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

## **10 Subsidiary works**

- (1) The Executive may, for the purposes of the tramway system and associated traffic control—
  - (a) within the limits of deviation, make, lay down, place, erect, repair, alter, renew, maintain, operate and use rails, rail fixings, plates, sleepers, channels, conduits, tubes, stations, escalators, lifts, stairs, platforms, ticket machines, shelters, public conveniences, car parks, balancing reservoirs, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent crossovers, passing places, pillars, posts, poles, brackets, wires, subways, manholes, shafts, engines, dynamos, substations, transformers, switchgear, cabling, signs, signalling, monitoring and communications equipment, together with subsidiary and incidental machinery, apparatus, works and appliances;
  - (b) in, or under any road in which it may be necessary or convenient, or in other land over which the Executive have or obtain sufficient right, lay, place, erect, maintain, renew and repair electric wires, conductors, cables, brackets, posts, tubes, substations, boxes and other electrical apparatus for connecting authorised railways and associated works with any electricity generating station or substations or for the purposes of lighting, signalling, monitoring and communication in connection with the tramway system; and
  - (c) alter the position of mains, sewers, cables and other apparatus.
- (2)
  - (a) For the purposes of exercising their powers under subsection (1) above in relation to any apparatus or works, or of inspecting or removing apparatus or works, the Executive may break open any road, and any sewer, drain or tunnel in or under any road, and may remove and use the soil or other materials in or under the road.
  - (b) In exercising their powers under this subsection the Executive shall do as little damage as may be, and for any damage done shall (in so far as the matter of compensation is not governed by the provisions of Part III of the Act of 1991) pay compensation to be determined, in case of dispute, in accordance with Part I of the Land Compensation Act 1961.

## **11 Provision of accommodation for apparatus**

Where the Executive lay down conduits for the accommodation of cables or other apparatus for the purposes of the tramway system or associated traffic control under section 10 of this Act, they 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 the Executive and such other person.

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## **12 Power to deviate**

In the execution of the authorised works the Executive may, except as may be otherwise provided by this Act, deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

## **13 Agreements with British Railways Board**

- (1) The Executive and the railways board may enter into, and carry into effect, agreements for the transfer to the Executive of any or any part of the existing railways of the railways board within or adjoining the limits of deviation of the authorised works, together with all lands and other property held in connection with that railway and all rights and obligations of the railways board in relation to that railway.
- (2) Where agreement is made for the transfer to the Executive of any existing railway of the railways board under subsection (1) above, or the Executive otherwise acquire any such existing railway or sufficient rights therein, the Executive may adapt for use, maintain, use and work that railway as part of the tramway system in accordance with the provisions of the Act of 1845 and the Railways Clauses Act 1863 incorporated with this Act and the provisions of the Railway Regulation Acts 1840 to 1889 applicable to the tramway system.
- (3) Any enactment by which any such existing railway was authorised shall have effect subject to the provisions of this Act.
- (4)
  - (a) Until the coming into force of an order under the Level Crossings Act 1983 providing for the protection of those using a level crossing on an existing railway which is to be transferred to the Executive by agreement under subsection (1) above, any enactment which makes provision for such protection, and which applied to the level crossing immediately before the date of such transfer, shall continue to apply to it thereafter, whether or not the enactment is disappplied, or excepted from application, by section 3 of this Act.
  - (b) In paragraph (a) above, “level crossing” has the same meaning as in the Level Crossings Act 1983.
- (5) The provisions of sections 54 and 56 of the Transport Act 1962 (advance notice of discontinuance of certain services to be published and functions of transport consultative committees) shall not apply in respect of the discontinuance of any existing railway passenger services from any station or on any line or, as the case may be, the discontinuance of any railway passenger or goods services provided by the railways board, where such discontinuance is for the purposes of, or in connection with, the construction of the authorised works or the transfer of any parts of the existing railways to form part of the tramway system.

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

- (1) Before constructing any of the authorised railways the Executive shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals concerning—
  - (a) permanent way or track and stations;
  - (b) lifts, escalators and stairways;

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- (c) signalling; and
  - (d) lighting.
- (2) Any such works shall be constructed and maintained in accordance with such plans, sections and particulars approved by the Secretary of State.

## **15 Gauge of railways and restrictions on working**

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

## **16 Operation and use of tramways**

- (1) Subject to subsection (3) below and to section 66 (Powers of disposal, agreements for operation, etc.) of this Act, the Executive shall, for the purpose of operating the tramways, have the exclusive right to use the rails, foundations, cables, masts, overhead wires and other apparatus provided for their operation.
- (2) Any person who, without the consent of the Executive or other reasonable excuse, uses any tramway, or other apparatus mentioned in subsection (1) above, for the passage of vehicles having wheels suitable only for running on the rails of tramways shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Nothing in this section shall restrict the exercise of any public right of way over any part of a road in which a tramway, or other apparatus mentioned in subsection (1) above, is situated except to the extent to which the exercise of that right is constrained by—
- (a) the presence of the tramway or such other apparatus; or
  - (b) the exercise of the powers of section 7 (4) of this Act.

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## **17 Substitution of guided transport mode**

- (1) (a) If authorised to do so by means of an order made by the Secretary of State under this section on an application made jointly by the Council and the Executive, the Executive may construct and use the authorised railways so that, instead of railways provided in accordance with the relevant enactments, they constitute a transport system using the mode of guided transport prescribed by paragraph (e) or (f) of article 2 of the Transport and Works (Guided Transport Modes) Order 1992 (road-based with cable or rail guidance) as may be prescribed in the order made under this section.
  - (b) In this subsection “the relevant enactments” means the Railway Regulation Acts 1840 to 1893, the Act of 1845 and section 15 (1) of this Act.
- (2) Except as may be provided in any order under subsection (1) above, the provisions of any enactment relating to railways or tramways shall, so far as they are capable of doing so, apply as if the authorised railways were constructed (or, as the case may be, were to be constructed) under this Act for a system of transport employing parallel rails providing support and guidance for vehicles carried on flanged wheels.
- (3) Without prejudice to the generality of subsection (2) above, section 16 (Operation and use of tramways) of this Act shall have effect in relation to a guided transport system prescribed in an order made under this section as it has effect in relation to tramways.
- (4) An order under this section shall be made by statutory instrument and may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient.

## **18 Temporary stoppage of roads**

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

## **19 Stopping up highways in case of diversion or substitution**

- (1) Except as provided in section 18 of this Act, where this Act authorises the making of a new road, either by way of diversion of, or in substitution for, an existing road which is a highway and the stopping up of such existing road or portion thereof, the stopping up of the existing road shall not, in either case, take place until the highway authority are satisfied that the new road has been completed in accordance with their reasonable requirements and is open for public use or, in the case of any difference between the Executive and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been determined by arbitration and the new road has been completed accordingly.
- (2) Before referring the matter to arbitration under this section the Executive shall give to the highway authority 7 days' notice in writing of their intention to do so.

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- (3) As from the completion of the new road to the satisfaction of the highway authority or, in the case of dispute, according to the decision of the arbitrator, all rights of way over or along the existing road, or portion thereof, authorised to be diverted or stopped up shall be extinguished, and the Executive may, without making any payment therefor, but subject to the provisions of the Act of 1845 incorporated with this Act with respect to mines lying under or near the railways, appropriate and use for the purposes of their undertaking the site of the road, or portion thereof, diverted or stopped.
- (4) Any person who suffers loss by the extinguishment of any private right under subsection (3) above shall be entitled to be paid by the Executive compensation to be determined, in case of dispute, under and in accordance with Part I of the Land Compensation Act 1961.

## **20 Provisions as to repair of highways**

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

## **21 Underpinning of houses near works**

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

- (a) At least 28 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened:
- (b) Each such notice shall be served in manner prescribed by section 6 of the Acquisition of Land Act 1981 as if required to be served under that Act:
- (c) If any owner, lessee or occupier of any such house or building shall, within 21 days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration:
- (d) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Executive may, from time to time after the completion of such underpinning or strengthening, and during the execution of the authorised work in connection with which such underpinning or strengthening was done, or within five years after the opening for use of the authorised works, enter upon and survey such house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient:
- (e) The Executive shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which they may suffer by reason of the exercise of the powers of this section:



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- (f) Nothing in this section shall affect liability to compensate under section 6 of the Act of 1845 or section 10(2) of the Act of 1965 as incorporated or applied by this Act, or under any other enactment, except in so far as compensation is payable under paragraph (e) above:
- (g) Compensation payable under this section shall be determined, in case of dispute, in accordance with Part I of the Land Compensation Act 1961.

## **22 Use of sewers, etc., for removing water**

- (1) The Executive may use for the discharge of any water pumped or found during the construction of the authorised works any available stream or watercourse, or any sewer or drain of the relevant authority, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain.
- (2) (a) The Executive shall not—
  - (i) discharge any water into any sewer or drain vested in or under the control of the relevant authority except with the consent of that authority and subject to such terms and conditions as that authority may reasonably impose; or
  - (ii) make any opening into any such sewer or drain except in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority.
- (b) Consent to a discharge, or approval of plans submitted, under this subsection shall not be unreasonably withheld.
- (3) (a) Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under this section into any controlled water within the meaning of section 104 of that Act as if this section were excluded from the reference to any local statutory provision mentioned in section 88 (1) (f) of that Act.
- (b) In the exercise of their powers under this section the Executive shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof within the meaning of section 72 of the Land Drainage Act 1991.
- (4) The Executive shall take all such steps as may be reasonably required to secure that any water discharged under this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.
- (5) Any difference arising between the Executive and the National Rivers Authority or the relevant authority, as the case may be, under this section shall be determined by arbitration.
- (6) In this section “the relevant authority” means the Council or any sewerage undertaker within the meaning of the Water Industry Act 1991.

## **23 Attachment of brackets, etc., to buildings for purposes of works**

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

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- (a) the attachments therein mentioned included any such apparatus; and
  - (b) for the reference to the street lighting authority there were substituted reference to the Executive.
- (2) For the purpose of the provisions of the said section 45 applied by subsection (1) above, consent to the affixing of attachments to a building under subsection (2) of that section shall be deemed to have been withheld if no such consent is received by the Executive before the expiration of the period of 56 days beginning on the date on which the Executive serve on the owner of the building, in accordance with section 285 of the Public Health Act 1936, notice of an application for such consent.

## **24 Provisions as to use of electrical energy**

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

- (1) The Executive shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2) The Executive shall take all reasonable precautions in constructing, placing and maintaining their electric lines and circuits and other works and also in working the tramway system so as to—
  - (a) minimise the discharge of electrical currents into the ground; and
  - (b) avoid injuriously affecting by fusion or electrolytic action any electric lines or any gas or water pipes, or other metallic pipes, structures or substances, or injuriously interfering with, or with the working of, any wire, line or apparatus used for the purpose of transmitting electrical energy or of telecommunications, or the currents in any such wire, line or apparatus.
- (3) (a) The Secretary of State may make regulations under this section for regulating the use of electrical energy for the operation of the tramway system, and the design, voltage, testing and working of the overhead line equipment and return circuits of the tramway system, including regulations—
  - (i) for preventing injurious affection (by the discharge of electrical currents into the ground, fusion or electrolytic action) of electric lines or gas or water pipes or other metallic pipes, structures or substances; and
  - (ii) for minimising, so far as is reasonably practicable, interference with, and with the working of, electric wires, lines and apparatus.
- (b) Before making regulations under this section the Secretary of State shall consult the Executive and any statutory undertakers and telecommunications operators (within the meaning of the Telecommunications Act 1984) authorised to maintain or operate apparatus within the City.
- (4) The Executive shall be deemed to take all reasonable and proper precautions against interference with, or with the working of, any wire, line or apparatus if and so long as they use, at the option of the Executive, either such insulated returns, or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with, and with the working of, the electric wires, lines and apparatus, as may be prescribed by the regulations; and in prescribing such means the Secretary of State shall have regard to the expense involved in relation to the protection afforded.

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- (5) The provisions of this section shall not give any right of action in respect of injurious interference with, or with the working of, any electric wire, line or apparatus, or the currents therein, unless, in the construction, erection, maintaining and working of such wire, line and apparatus, all reasonable and proper precautions, including the use of an insulated return, have been taken to minimise injurious interference therewith, and with the currents therein, by or from other electric currents.
- (6) If any difference arises between the Executive and any other person with respect to anything in the foregoing provisions of this section, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State, or, at his option, by an arbitrator to be appointed by him; and the costs of such determination shall be in the discretion of the Secretary of State or the arbitrator as the case may be.
- (7) The power to make regulations conferred on the Secretary of State by this section shall be exercisable by statutory instrument.
- (8) In this section reference to an insulated return includes reference to a return by means of a combined neutral and earth cable which is covered by an insulated sheath suitable for protection against corrosion and is approved for use below ground by the Secretary of State for the purpose of any regulations relating to the supply of electricity.