



# Croydon Tramlink Act 1994

## 1994 CHAPTER xi

### PART I

#### PRELIMINARY

#### 1 Short title

This Act may be cited as the Croydon Tramlink Act 1994.

#### 2 Interpretation

(1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, and—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845;

“the Act of 1870” means the Tramways Act 1870;

“the Act of 1965” means the Compulsory Purchase Act 1965;

“the Act of 1991” means the New Roads and Street Works Act 1991;

“the authorised railways” means the railways authorised by this Act, including, where the context so admits, any railway adapted for use, and worked as part of Tramlink under section 16 (Agreements with British Railways Board) of this Act;

“the authorised works” means the works authorised by this Act;

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

“the Corporation” means London Regional Transport;

“the Council” means the Council of the London borough of Croydon;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“existing” means existing at the passing of this Act;

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

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“the limits of deviation” mean the limits so shown on the deposited plans and, where, in the case of a work in any street, no such limits are shown for that work, the boundaries of the street (including any verge or roadside waste adjoining it);

“the limits of land to be acquired or used” means the limits marked “Limit of land to be acquired or used” on the deposited plans;

“the railways board” means the British Railways Board, and, in relation to any land or other property, includes any person who holds or uses that property for railway purposes and who derives title to that property from or under the British Railways Board or under any person deriving title from the British Railways Board;

“sewerage undertaker” has the same meaning as in the Water Industry Act 1991;

“statutory undertaker” means a licence holder under Part I of the Electricity Act 1989, a public gas supplier within the meaning of Part I of the Gas Act 1986, the National Rivers Authority and a water undertaker within the meaning of the Water Industry Act 1991 or any of such bodies;

“street” has the meaning given by section 329 of the Highways Act 1980 and includes a bridleway, cycle track or footpath as defined in the said section 329 and any way laid out or used as a cycleway;

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984;

“Tramlink” means the light rail transit system comprising the authorised railways including such railways designated as tramways, and all works and conveniences provided in connection with any of those railways, as that system is constructed, extended or altered from time to time;

“tramway” means any railway, or any part of a railway, authorised by this Act and thereby designated as a tramway;

“the tribunal” means the Lands Tribunal.

- (2) Unless the context otherwise requires, any reference in this Act 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 Act.
- (3) (a) Except as mentioned in paragraph (b) below, all distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance and length, and distances between points on a railway shall be taken to be measured along the railway.
- (b) This subsection does not apply to distances or lengths stated in the following provisions of this Act:—
  - section 13 (Power to deviate);
  - section 15 (Gauge of railways and restrictions on working).
- (4) Any reference in this Act to rights over land includes reference to the right to do, or to place and maintain, anything in, on or under the land, or in the air space above its surface.
- (5) Any reference in this Act to access to any place includes egress from that place.

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### **3 Incorporation and application of enactments relating to railways**

- (1) The following enactments, so far as they are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of those enactments:—
  - the Act of 1845 (except sections 7 to 9, 11 to 15, 17, 19, 20, 22, 23, 46 to 62, 94, 95, 112 to 124 and 138); and
  - section 4 of the Railways Clauses Act 1863.
- (2) In the enactments incorporated by subsection (1) above—
  - (a) the expression “the company” means the Corporation; and
  - (b) sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the Corporation and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by Part III of the Act of 1991; and
  - (c) in section 4 of the said Act of 1863, the words “and subject to the limitations contained in sections eleven, twelve and fifteen of those Acts respectively,” and the proviso shall be omitted.
- (3) The following enactments shall not apply to Tramlink:—
  - the Highway (Railway Crossings) Act 1839;
  - in the Railway Regulation Act 1842, sections 9 and 10;
  - in the Regulation of Railways Act 1868, section 22;
  - in the Regulation of Railways Act 1889, sections 1, 3, 4 and 6;
  - in the Road and Rail Traffic Act 1933, sections 41 and 42.

### **4 Application of Tramways Act 1870**

- (1) Subject as provided in subsection (2) below, the following provisions of Parts II and III of the Act of 1870, so far as they are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, apply to any tramway, and for that purpose are incorporated with and form part of this Act:—
  - sections 25, 26, 29 and 30, 34, 41, 49, 50, 53, 54 and 57.
- (2)
  - (a) In the provisions of the Act of 1870 applied by subsection (1) above, the expression “the special Act” means this Act and “the promoters” means the Corporation.
  - (b) The provisions of the Act of 1870 applied by subsection (1) above shall have effect subject to the following modifications:—
    - (i) in section 25, for the words “the road”, there shall be substituted the words “the part of the road in which it is laid” and the words from “and shall not be opened” to the end of that section shall be omitted;
    - (ii) in section 26, for the words from “the following regulations” to the end of the section, there shall be substituted the words “the provisions of the special Act”;
    - (iii) in section 30, for the words from “also subject to” to the end of the section, there shall be substituted the words “the special Act”;
    - (iv) in section 34, the words from “No carriage used” to the end of the section shall be omitted;

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- (v) in sections 49, 50, 53 and 54, for the penalty specified in each of those sections, there shall be substituted a fine not exceeding level 3 on the standard scale and in the said section 54 the words from “or under licence” to “by this Act provided” shall be omitted.
- (3) This section shall have effect notwithstanding the repeal by the Transport and Works Act 1992 of the provisions of the Act of 1870 referred to in subsection (1) above.

## **5 Application of Part I of Compulsory Purchase Act 1965**

- (1) Part I of the Act of 1965 (except section 4 and paragraph 3 (3) of Schedule 3), in so far as it is applicable for the purposes and is not inconsistent with the provisions of this Act, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.
- (2) Section 11 (1) of the Act of 1965 (which empowers the acquiring authority to enter upon and take possession of land the subject of a notice to treat after giving not less than 14 days' notice) as so applied shall have effect as if for the word “fourteen” there were substituted, in respect of the lands over which rights only are required, the word “twenty-eight” and, in the case of any other lands, the word “ninety-one”.
- (3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.