



Croydon Tramlink Act 1994

1994 CHAPTER xi

PART II

WORKS

6 Power to make works

- (1) Subject to the provisions of this Act, the Corporation may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the London boroughs of Merton, Sutton, Croydon and Bromley 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 13 (Power to deviate) of this Act, the Corporation may, with the consent of the owners, lessees and occupiers of the lands affected, construct the whole or part of Works Nos. 10 and 11 and so much of Work No. 7 as lies within the London borough of Bromley in lines or situations and in accordance with levels, dimensions and descriptions other than the lines or situations, levels, dimensions and descriptions shown on the deposited plans and the deposited sections or specified in Part I of Schedule 1 to this Act.

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 the deposited sections, in the lines or situations and according to the levels so shown), the Corporation may exercise the powers and make and maintain the further works, described in Part II of Schedule 1 to this Act, in the London boroughs of Merton, Sutton, Croydon and Bromley 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 street, the Corporation may, with the consent of the highway authority—

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- (a) increase the width of the carriageway of the street by reducing the width of any footway, cycle track or verge or other land within the boundary of the street;
 - (b) alter or interfere with the level of any kerb, footway, cycle track, verge or other land within the boundary of the street; or
 - (c) at any stopping place on a tramway reduce the width of the carriageway of the street by forming a reserved area in the street or by setting forward the kerbline of the street 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 less width than 1·80 metres (5 feet 11 inches).
- (4) Where the carriageway, or part of the carriageway, of any street in which a tramway is laid is of sufficient width to provide not less than 3 metres of width for vehicular traffic in each permitted direction clear of the tramway path (as determined in accordance with the clearance required by the Secretary of State), the Corporation 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, by raising the level of the part of the carriageway occupied by the tramway path above the level of the adjoining carriageway or by placing a kerb or other obstruction along the edge of that adjoining carriageway.
- (5) Notwithstanding section 25 of the Act of 1870 as applied by this Act, in the case of any part of the length of a tramway which is situated clear of the carriageway or footway of any street, the Corporation 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) Subject to the provisions of this Act, the Corporation may—
- (a) in relation to Work No. 3, lay down single, double or interlacing lines in lieu of triple lines, either when constructing that work or at any time thereafter;
 - (b) 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 them or at any time thereafter, and construct or take up and reconstruct any such tramway or associated work in such position in the street or land in which it is authorised to be constructed as they think fit; and
 - (c) 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 Tramlink, for the purposes of the control of traffic or for providing access to any premises.
- (7) The powers of subsection (6) above shall not be exercised in any street which is a highway without the consent of the highway authority.

8 Works in street

- (1) Subject to the provisions of this Act, the Corporation may, for the purposes of Work No. 4C, make and maintain permanent openings in so much of any street as is within the limits of deviation for that work.
- (2) The Corporation shall not be required to purchase any part of the surface of, or any easement in, any street in which they are authorised by this section to make and

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maintain any permanent opening, or to make any payment in respect of any such permanent opening, or for breaking up or interfering with the surface of any such street.

9 Requirements applicable to tramways

- (1) The tramways shall be so laid and maintained that the distance between the sides of the widest carriages to be used on the tramways when passing one another thereon shall not be less than 380 millimetres (15 inches).
- (2)
 - (a) On completion of any tramway the Corporation 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 street in such manner that—
 - (i) the uppermost surface of the rails is level with the surface of the street; or
 - (ii) the level of the width of the carriageway occupied by the tramway path is altered as provided in section 7 (4) (Further works and powers) of this Act;works for the purpose, or having the effect, of altering the level of the part of the street in which the tramway is situated shall not be carried out without the consent of the Corporation.
 - (b) Consent under paragraph (a) above may be given subject to such reasonable terms and conditions as the Corporation may require, but shall not be unreasonably withheld, and any difference arising under this paragraph shall be determined by the Secretary of State.

10 Level crossings

- (1) The Corporation may, in the construction of the authorised railways, carry the same with a single or double line across and on the level of the streets specified in Schedule 2 to this Act.
- (2) The Corporation may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near any such level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.
- (3) In the exercise of the powers of this section, the Corporation may alter or interfere with the level of any street upon which any railway or associated work is to be laid.

11 Subsidiary works

- (1) Subject to the provisions of this Act the Corporation may, for the purposes of Tramlink 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, platforms, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent cross-overs, passing

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places, pillars, posts, poles, brackets, wires, subways, manholes, shafts, engines, dynamos, substations, transformers, switchgear, cabling, signalling, monitoring and communications equipment, together with subsidiary and incidental machinery, apparatus, works and appliances; and

- (b) in, or under any street in which it may be necessary or convenient, or in other land over which the Corporation have or obtain sufficient rights, lay, place, form, erect, maintain, renew and repair drains, ditches and culverts, electric wires, conductors, cables, brackets, posts, tubes, substations, boxes and other electrical apparatus for connecting the authorised railways and associated works with any electricity generating station or substations or for the purposes of signalling, monitoring and communication in connection with Tramlink.
- (2) The provisions of sections 158 and 159 of, and paragraph 3 of Schedule 13 to, the Water Industry Act 1991 (street works) shall apply to apparatus and works referred to in subsection (1) above as they apply to relevant pipes and service pipes but as if—
 - (a) for any reference to a water undertaker there were substituted a reference to the Corporation; and
 - (b) paragraph 3 (6) of Schedule 13 were omitted.
 - (3) The Corporation may, for the purposes of Tramlink, alter, renew and maintain the parapet of any bridge under which the authorised railways are to be situated, or construct any other works for the safety of persons passing over any such bridge.
 - (4) In constructing stations and stopping places for the purposes of Tramlink the Corporation shall make provision, in so far as it is in the circumstances both practicable and reasonable and without prejudice to any requirement having effect under or by virtue of the Chronically Sick and Disabled Persons Act 1970, for the needs of members of the public using Tramlink who are disabled or elderly.
 - (5) Nothing in this section shall prejudice the generality of sections 6 (Power to make works) and 7 (Further works and powers) of this Act.

12 Provision of accommodation for apparatus

Where the Corporation lay down conduits for the accommodation of cables or other apparatus for the purposes of Tramlink or associated traffic control under section 11 (Subsidiary works) of this Act, they may, in pursuance of those powers, 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 on such terms and conditions as may be agreed between the Corporation and such other person.

13 Power to deviate

In the execution of the authorised works the Corporation 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.

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

- (1) Before constructing any of the authorised railways the Corporation shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals concerning—
 - (a) permanent way or track;
 - (b) signalling; and
 - (c) lighting.
- (2) Any such works shall be constructed and maintained in accordance with such plans, sections and particulars approved by the Secretary of State.
- (3) The Corporation shall submit for the approval of the Secretary of State details of their proposals for the rolling stock to be used on Tramlink and any rolling stock so used shall be constructed and maintained in accordance with particulars approved by the Secretary of State.

15 Gauge of railways and restrictions on working

- (1) The authorised railways to be constructed 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 Tramlink shall be used for, or in connection with, the conveyance of passengers without the written permission of the Secretary of State and the Corporation shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using Tramlink.
- (3) If, without reasonable excuse, the Corporation contravene the provisions of subsection (2) above they shall for each offence be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) 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 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 Corporation shall, in accordance with section 9 (2) (Requirements applicable to tramways) of this Act, erect such traffic signs as may be directed by the Secretary of State to give warning of the cable.

16 Agreements with British Railways Board

- (1) In this section—
 - “the affected properties” means any land described in the deposited book of reference which is owned by the railways board or in which the railways board have an interest; and
 - “the specified works” means so much of Works Nos. 1, 1A, 1B, 1C, 1D, 2, 2A, 3, 3A, 7, 8 and 9 as will be constructed under, on or over any of the affected properties.
- (2) Any work of alteration or adaptation of property of the railways board which may be necessary in order to construct the specified works and thereafter, the use, maintenance, repair and renewal of such property and of the specified works shall be carried out and regulated by the Corporation or the railways board, or by the

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Corporation and the railways board jointly, in accordance with such terms and conditions as may be agreed in writing between the Corporation and the railways board.

- (3) (a) Any agreement made under this section may relate to the whole or part of the affected properties and may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—
- (i) with respect to the defraying of, or the making of contributions towards, the cost of such works of alteration or adaptation or the costs of such maintenance, repair and renewal as are referred to in subsection (2) above by the Corporation or by the railways board or by the Corporation and railways board jointly; and
 - (ii) for the exercise by the railways board, or by the Corporation, or by the railways board and the Corporation jointly, of all or any of the powers and rights of the railways board and the Corporation (as the case may be) in respect of any part of the specified works under any enactment or contract.
- (b) The exercise by the Corporation or the railways board or by the Corporation and the railways board jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (a) above shall be subject to all statutory and contractual provisions relating thereto as would apply if such powers and rights were exercised by the Corporation or the railways board (as the case may be) alone, and accordingly such provisions shall with any necessary modifications, apply to the exercise of such powers and rights by the Corporation or the railways board, or by the Corporation and the railways board jointly, as the case may be.
- (4) In constructing the specified works the Corporation may, on such terms as shall be agreed with the railways board, re-align so much of the railways board's railway as lies within the limits of deviation of those works in such position and on such terms as shall be agreed between the Corporation and the railways board.
- (5) The Corporation and the railways board may enter into, and carry into effect, agreements for the transfer to the Corporation of—
- (a) any part of the affected properties,
 - (b) any lands, works or other property held in connection with any part of the affected properties, and
 - (c) any rights and obligations (whether or not statutory) of the railways board relating to any part of the affected properties.
- (6) Where agreement is made for the transfer to the Corporation of any railway or former railway comprised within the affected properties under subsection (5) above, the Corporation may adapt for use, maintain, use and work that railway as part of Tramlink 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 Tramlink.

17 Discontinuance of existing railway services

The provisions of section 54 of the Transport Act 1962 and section 37 of, and Schedule 5 to, the Railways Act 1993 (proposals to discontinue railway passenger services) shall not apply in respect of the discontinuance of any existing railway

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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 any existing railway to form part of Tramlink.

18 Temporary stoppage of streets

- (1) During and for the purpose of the execution of the authorised works, the Corporation may temporarily stop up and interfere with the whole or any part of any street to the extent of the limits of deviation, or the limits of land to be acquired or used, 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 street, from passing along and using the same.
- (2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

19 Stopping up streets without providing substitute

- (1) This section applies in the case of any stopping up of a street or portion thereof authorised by the Act without the provision of a substitute.
- (2) After any stopping up to which this section applies, all rights of way over or along the street, or portion thereof, authorised to be stopped up shall be extinguished and the Corporation 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 street, or portion thereof, so stopped up.
- (3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with Part I of the Land Compensation Act 1961.
- (4) Without prejudice to the generality of subsection (1) above, this section applies, in particular, to the stopping up of a street or portion thereof mentioned in paragraphs (viii), (ix), (xi), (xii), (xiv), (xvi), (xx), (xxii) and (xxix) of Part II of Schedule 1 to this Act.

20 Stopping up streets in case of diversion or substitution

- (1) Except as provided in section 18 (Temporary stoppage of streets) of this Act, where this Act authorises the making of a new street, either by way of diversion of, or in substitution for, an existing street and the stopping up of the existing street or portion thereof, the stopping up shall not, in either case, take place until the highway authority are satisfied that the new street has been completed in accordance with their reasonable requirements and is open for public use or, in the case of any difference between the Corporation 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 street has been completed accordingly.
- (2) Before referring the matter to arbitration under this section the Corporation 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 street 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 street, or portion thereof, authorised to be diverted or stopped up shall be extinguished, and the Corporation 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 street, or portion thereof, diverted or stopped up so far as the same is bounded on both sides by lands in the possession of the Corporation.
- (4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with Part I of the Land Compensation Act 1961.

21 Notice of interference with streets

Before breaking up or interfering with any street to which the public has access in connection with the construction of any of the authorised works the Corporation shall (except in case of emergency) give 14 days' notice in writing to the chief officer of the fire and police authorities for the area in which such street is situated and make such arrangements with the chief officer of police as may be reasonably necessary so as to cause as little interference with the traffic in such street during the construction of such works as may be reasonably practicable.

22 Provisions as to repair of streets, etc

- (1) Subject to subsections (2) and (3) below, any street, 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 Corporation 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) Subsection (3) below applies where the Corporation has under section 7 (4) (Further works and powers) of this Act raised the level of part of the carriageway of a street in which a tramway is laid; and in that subsection, so much of the carriageway whose level has been so raised is referred to as “the raised tramway path”.
- (3) Unless otherwise agreed with the highway authority, the raised tramway path shall be maintained by and at the expense of the Corporation for as long as the raised tramway path is required to be used primarily for the purposes of Tramlink.

23 Underpinning of houses near works

The Corporation 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 this purpose the following provisions shall have effect:—

- (1) At least 14 days' notice shall (except in the case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened.
- (2) 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.

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- (3) If any owner, lessee or occupier of any such house or building, within 10 days after the giving of such notice, gives 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.
- (4) In any case in which any house or building has been underpinned or strengthened under the powers of this section the Corporation 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 traffic 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.
- (5) The Corporation shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section.
- (6) Nothing in this section nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 10 (2) of the Act of 1965 as applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than works of underpinning or strengthening authorised by this section.
- (7) Every case of compensation under this section shall be determined in case of dispute in accordance with Part I of the Land Compensation Act 1961.

24 Use of sewers, etc., for removing water

- (1) The Corporation 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 any sewerage undertaker or London borough council in or through whose area or district the works may be constructed or pass, 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 within the limits of deviation.
- (2) (a) The Corporation shall not—
 - (i) discharge any water into any sewer or drain vested in or under the control of a sewerage undertaker or London borough council except with the consent of that body and subject to such terms and conditions as that body 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 sewerage undertaker or London borough council in which the sewer or drain is then vested.
- (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 waters within the meaning given by section 104 (1) of that Act as if this section were

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excluded from the reference to any local statutory provision in section 88 (1) (f) of that Act.

- (b) In the exercise of their powers under this section the Corporation shall not damage or interfere with the bed of any watercourse forming part of a main river of the National Rivers Authority or the banks thereof within the meaning of section 72 of the Land Drainage Act 1991 or forming part of a metropolitan watercourse within the meaning assigned to that expression by paragraph 1 of Schedule 5 to the Land Drainage Act 1976.
- (4) The Corporation 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 Corporation, National Rivers Authority, sewerage undertaker or London borough council, as the case may be, under this section shall be determined by arbitration.

25 Attachment of brackets, etc., to buildings for purposes of works

The Corporation may affix brackets, cables, wires and other apparatus required in connection with Tramlink 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—

- (a) the attachments therein mentioned included any such apparatus;
- (b) for any reference to the street lighting authority there were substituted a reference to the Corporation; and
- (c) in the proviso to subsection (2), after the words “unreasonably withheld” there were inserted the words “or is not granted within a reasonable time”.

26 Attachment of equipment to tramway buildings and structures

- (1) Subject to subsection (2) below, the Council may, with the consent of the Corporation, affix to any building or structure ancillary to any tramway comprised in Tramlink—
 - (a) street lighting equipment;
 - (b) decorative lighting equipment;
 - (c) traffic signs within the meaning of section 64 of the Road Traffic Regulation Act 1984;
 - (d) traffic guidance control equipment;
 - (e) traffic monitoring equipment; or
 - (f) any other apparatus or equipment of a like nature.
- (2) The power in subsection (1) above shall not be exercised in such a way as to impair the safe and efficient operation of Tramlink.
- (3) The consent of the Corporation under this section may only be withheld if the Corporation consider that the proposed exercise of the power would impair the safe and efficient operation of Tramlink.

27 Provisions as to use of electrical energy

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

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- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2) The Corporation shall take all reasonable precautions in designing, constructing, placing and maintaining their electric lines and circuits and other works of all descriptions and also in working Tramlink so as to minimise the discharge of electrical currents into the ground and not—
 - (a) injuriously to affect by fusion or electrolytic action any electric lines or any gas or water pipes, or other metallic pipes, structures or substances; or
 - (b) injuriously to interfere with, or with the working of—
 - (i) any wire, line or apparatus from time to time used for the purpose of transmitting electrical energy or of any telecommunication system; or
 - (ii) 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 Tramlink, and the design, voltage, testing and working of the overhead equipment and return circuits of the Tramlink 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, whether such apparatus does or does not use the earth as a return.
 - (b) Before making regulations under this section the Secretary of State shall consult the Corporation and the statutory undertakers.
- (4) The Corporation 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 Corporation, 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.
- (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 Corporation 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.

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(8) In this section—

- (a) 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; and
- (b) telecommunication system has the same meaning as in the Telecommunications Act 1984.