
STATUTORY INSTRUMENTS

2001 No. 1347

The Leeds Supertram (Extension) Order 2001

PART I
PRELIMINARY

Citation

1. This Order may be cited as the Leeds Supertram (Extension) Order 2001.

Interpretation

- 2.—(1) In this Order, unless the context otherwise requires—
 - “the 1965 Act” means the Compulsory Purchase Act 1965⁽¹⁾;
 - “the 1990 Act” means the Town and Country Planning Act 1990⁽²⁾;
 - “the 1991 Act” means the New Roads and Street Works Act 1991⁽³⁾;
 - “the 1993 Act” means the Leeds Supertram Act 1993⁽⁴⁾;
 - “the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992;
 - “application date” means the day on which application was made to the Secretary of State for this Order;
 - “authorised street tramway” means any street tramway authorised by this Order;
 - “authorised tramroad” means any tramroad authorised by this Order;
 - “authorised tramway” means the tramway (consisting of the authorised street tramways and the authorised tramroads) authorised by this Order;
 - “authorised works” means the scheduled works and any other works authorised by this Order;
 - “the book of reference” means the book of reference described in rule 7(5) of the Applications Rules;
 - “carriageway” has the same meaning as in the Highways Act 1980⁽⁵⁾;
 - “the City” means the City of Leeds;
 - “the deposited plans” means the plans described in rule 7(1)(a) and 7(3) of the Applications Rules and references to the land shown on those plans are references to the land so shown pursuant to rule 7(3);
 - “the deposited sections” means the sections described in rule 7(2) of the Applications Rules;

(1) 1965 c. 56.
(2) 1990 c. 8.
(3) 1991 c. 22.
(4) 1993 c. xv.
(5) 1980 c. 66.

“electric line” has the meaning given by section 64(1) of the Electricity Act 1989⁽⁶⁾;

“the Executive” means the West Yorkshire Passenger Transport Executive;

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

“the limits of deviation” means the limits of deviation for the scheduled works (being scheduled works not comprising a street widening) shown on the deposited plans or, if, in relation to any such work in a street, no such limits are shown, the boundaries of that street on the application date (including those boundaries as from time to time altered or widened under this Order);

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

“the limits of widening” means the limits of widening shown on the deposited plans;

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

“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⁽⁷⁾ or the Rent (Agriculture) Act 1976⁽⁸⁾);

“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;

“the scheduled works” means the works specified in Schedule 1 to this Order;

“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 tramway 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;

“tram” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

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

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which provide support and guidance for vehicles carried on flanged wheels;

“the tribunal” means the Lands Tribunal.

(2) Where the book of reference, the deposited plans or the deposited sections was or were revised before this Order was made, any reference to it or them in this Order is to the latest version as certified under article 39 below.

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

(4) All directions, distances, areas, lengths and points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction,

(6) 1989 c. 29.

(7) 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).

(8) 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).

distance, area, length and point and distances between points on the authorised tramway shall be taken to be measured along the centre line of the authorised tramway.

(5) Unless the context otherwise requires, 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.

(6) References in this Order to points identified by letters, with or without numbers, shall be construed as references to the points so marked on the relevant deposited plan.

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

Application of the New Roads and Street Works Act 1991

3.—(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) 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 (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

(2) The provisions of the 1991 Act mentioned in paragraph (3) below 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 the Executive under the powers conferred by this Order where no street works are executed in that street, as they would apply if the stopping up, alteration or diversion were occasioned by street works executed in that street by the Executive.

(3) The provisions of the 1991 Act referred to in paragraph (2) above are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulations);
- 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.

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) above shall have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Incorporation of the Railways Clauses Act

4.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(9) shall be incorporated in this Order—

(9) 1845 c. 20.

section 46 (crossing of roads—level crossings);
 section 58 (company to repair roads used by them);
 section 61 (company to make sufficient approaches and fences to highways);
 sections 68 and 69 (accommodation works by company);
 section 71 (additional accommodation works by owners);
 sections 72 and 73 (supplementary provisions relating to accommodation works);
 section 75 (omission to fasten gates);
 sections 87 and 88 (contracts with other companies);
 section 97 (default in payment of tolls);
 sections 103 and 104 (refusal to quit carriage at destination);
 section 105 (carriage of dangerous goods on railway);
 section 144 (defacing of boards);
 section 145 (recovery of penalties);
 section 154 (transient offenders).

(2) In those provisions as incorporated in this Order—

“the company” means the Executive;

“goods” includes any thing conveyed on the authorised tramway;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means the authorised tramroads and also in the application of sections 87, 88, 97, 103 to 105, 144, 145 and 154 of the said Act of 1845, the authorised street tramways, together with (except where the context otherwise requires) any authorised works ancillary thereto;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any authorised tramway to be constructed under this Order.

(3) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be substituted the words “Provided always, that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level”.

(4) In section 58 of the said Act of 1845, as incorporated in this Order, for the words “the determination of two justices” to the end there shall be substituted the word “arbitration”.

(5) In section 69 of the said Act of 1845, as incorporated in this Order, for the words “determined by two justices” to the end there shall be substituted the words “referred to arbitration”.

(6) In section 71 of the said Act of 1845, as incorporated in this Order, the words “or directed by such justices to be made by the company” shall be omitted, and for the words “authorised by two justices” there shall be substituted the words “determined by arbitration”.

(7) Any difference arising under section 72 of the said Act of 1845, as incorporated in this Order, shall be referred to arbitration.

Application of the Leeds Supertram Act 1993

5.—(1) The authorised tramway shall be treated as part of the tramway system (as defined in the 1993 Act) for the purposes of sections 3(3), 4(4), 23, 24, 37, 40(17), 45 to 53, 57 to 60 and 62 to 67 of that Act; but it shall not be so treated for the purposes of sections 10, 11, 15, 54 and 55 of that Act.

(2) In the application of the 1993 Act to the authorised tramway—

- (a) the references in section 57(1) to any tramway shall be treated as including a reference to any authorised street tramway;
- (b) the reference in section 62(1) to any railway of the tramway system which is not designated as a tramway shall be treated as a reference to the authorised tramroads; and
- (c) the reference in section 66(1) and (4) to the 1993 Act shall be treated as a reference to this Order.

(3) Sections 4(5), 7(4) and (7), 8(2), 16 and 68 of the 1993 Act shall have effect for the purposes of the authorised street tramways as they have effect for the purposes of the tramways authorised by that Act.

(4) Section 43(2) to (11) of the 1993 Act shall apply as if references in that section to “authorised works” included a reference to the works authorised by this Order and references to “the specified land” were a reference to the part of any burial ground (within the meaning of the Open Spaces Act 1906⁽¹⁰⁾) which is used for the construction of the works so authorised.