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STATUTORY INSTRUMENTS

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**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*

**THE MERSEYTRAM (LIVERPOOL CITY  
CENTRE TO KIRKBY) ORDER 2005**

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13. Access to works
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17. Agreements with street authorities
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PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without prejudice to the generality of paragraph 1, the...

*Adaptation of the 1965 Act*

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (provisions as to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

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SCHEDULE 11 — 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...

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

2. (1) Where a street is stopped up under article 11...

SCHEDULE 12 — FOR PROTECTION OF ELECTRICITY, GAS, WATER AND  
SEWERAGE UNDERTAKERS

*Interpretation*

1. In this Schedule— “apparatus” means— in the case of a...

*Application of Schedule 11*

2. Paragraphs 1(1) and 2 of Schedule 11 to this Order...

*Apparatus in stopped up streets*

3. Where any street is stopped up under article 11 of...
4. Merseytravel shall give not less than 28 days' notice in...

*On-street apparatus*

5. This Schedule shall not apply to anything done or proposed...

*Acquisition of land*

6. Merseytravel shall not acquire any apparatus from a specified undertaker...
7. Merseytravel may in exercise of the powers of this Order...

*Removal of apparatus*

8. Paragraphs 9 to 12 apply where— (a) Merseytravel requires the...
9. Merseytravel shall, if it is practicable to do so, afford...
10. The obligation imposed upon the specified undertaker by paragraph 9...
11. Any alternative apparatus to be constructed by the specified undertaker...
12. The specified undertaker shall, after the manner of construction and...

*Removal of apparatus and construction of alternative apparatus by Merseytravel*

13. Paragraphs 14 to 16 apply to so much of the...
14. If Merseytravel gives notice in writing to the specified undertaker...
15. In carrying out any work under paragraph 14 Merseytravel shall...
16. Nothing in paragraph 14 shall authorise Merseytravel to carry out...

*Facilities and rights for alternative apparatus*

17. Where, in accordance with the provisions of this Schedule, Merseytravel...
18. In determining the terms and conditions mentioned in paragraph 17...
19. If the facilities and rights to be afforded by Merseytravel...

*Retained apparatus: protection and plan approval*

20. Not less than 56 days before commencing to construct or...
21. In relation to a work which is a specified work...
22. Merseytravel shall not commence the construction or renewal of any...
23. Any approval of the specified undertaker required under paragraph 22—...
24. In relation to a work to which paragraph 21 applies,...
25. A specified work shall be constructed (and in the case...
26. If within 42 days after the submission to it of...
27. Nothing in paragraph 20 or 26 shall preclude Merseytravel from...
28. Merseytravel shall not be required to comply with paragraph 20...
29. Nothing in paragraph 28 shall entitle Merseytravel to carry out...

*Co-operation*

30. Where in consequence of the proposed construction of any of...

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*Access*

31. If in consequence of the exercise of the powers of...

*Expenses*

32. Subject to the provisions of the following paragraphs of this...  
33. There shall be deducted from any sum payable under paragraph...  
34. If in pursuance of the provisions of this Schedule—  
35. For the purposes of paragraph 34— (a) an extension of...  
36. An amount which apart from this paragraph would be payable...  
37. In any case where work is carried out by Merseytravel...

*Indemnity*

38. If, by reason or in consequence of the construction, maintenance...  
39. Nothing in paragraph 38 shall impose any liability on Merseytravel...  
40. The specified undertaker shall give to Merseytravel reasonable notice of...

*Exercise of safeguarding and survey powers*

41. Merseytravel shall, so far as is reasonably practicable, so exercise...  
42. Merseytravel shall not, in the exercise of the powers of...

*Arbitration*

43. Any difference arising between Merseytravel and a specified undertaker under...

*Transfer of powers*

44. Merseytravel shall give notice to every specified undertaker if any...  
45. The obligation to give notice under paragraph 44 to a...

*Notices*

46. Any notice in writing to be given by Merseytravel to...

**SCHEDULE 13 — FOR PROTECTION OF BRITISH WATERWAYS BOARD**

1. For the protection of the British Waterways Board the following...

*Interpretation*

2. In this Schedule— “the Board” means the British Waterways Board;...

*Powers requiring the Board's consent*

3. (1) Merseytravel shall not under the powers conferred by this...

*Vehicles, plant and machinery*

4. (1) Merseytravel shall not use any land or property of...

*Fencing*

5. Where so required by the engineer Merseytravel shall to the...

*Survey of waterway*

6. (1) Before the commencement of the initial construction of any...

*Approval of plans, protective works, etc.*

7. (1) Merseytravel shall before commencing construction of any specified work...

*Design of works*

8. Without prejudice to its obligations under the foregoing provisions of...

*Notice of works*

9. Merseytravel shall give to the engineer 56 days' notice of...

*Lighting*

10. Merseytravel shall provide and maintain at its own expense in...

*Construction of specified works*

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

*Prevention of pollution*

12. Merseytravel shall not in the course of constructing a specified...

*Access to work: provision of information*

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

*Costs of alterations, etc.*

14. Any additional expenses which the Board may reasonably incur in...

*Maintenance of works*

15. If at any time after the completion of a specified...

*Repayment of the Board's fees, etc.*

16. Merseytravel shall repay to the Board all fees, costs, charges...

*Making good of detriment: compensation and indemnity, etc.*

17. (1) If any detriment shall be caused by the construction...

*Details of capitalised sums to be provided*

18. Where under any provision of this Schedule the Board or...

*Arbitration*

19. Any difference arising between Merseytravel and the Board under this...

Explanatory Note