

2009 No. 1100

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

**The Greater Manchester (Light Rapid Transit System)
(Media City Extension) Order 2009**

Made - - - - - *27th April 2009*

Coming into force - - *18th May 2009*

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[DfT 00216L]

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006^(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992^(b) (“the 1992 Act”).

The Secretary of State, having considered the objections made and not withdrawn, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 16th April 2009.

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 2, 7 to 9, 11 to 13 and 15 to 17 of Schedule 1 to, the 1992 Act:—

Citation and commencement

1. This Order may be cited as the Greater Manchester (Light Rapid Transit System) (Media City Extension) Order 2009 and shall come into force on 18th May 2009.

Interpretation

2.—In this Order—

“the 1996 Order” means the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996^(c);

“the 2006 Order” means the Greater Manchester (Light Rapid Transit System) Order 2006^(d);

“authorised street tramway” means any part of the scheduled work which is a street tramway by virtue of the operation of article 6 (designation of works);

“authorised tramroad” means the tramroad authorised by this Order;

“authorised tramway” means the tramway authorised by this Order;

“authorised works” means the scheduled work and any other work authorised by this Order;

“the limits of deviation” means the limits of deviation for the scheduled work shown on the works plan;

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

“the scheduled work” means the work specified in the Schedule or any part of it;

“the sections” means the sections certified by the Secretary of State as the sections for the purposes of this Order;

“street” includes part of a street;

“street tramway” means any part of a tramway which is laid along a street whether or not the section of the street in which its rails are laid may be used by other traffic;

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

“the undertaker” means Greater Manchester Passenger Transport Executive, as established under the South East Lancashire and North East Cheshire Passenger Transport (Designation) Order 1969^(e);

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;

“the works plan” means the plan certified by the Secretary of State as the works plan for the purposes of this Order.

(2) All distances, directions and lengths stated in the description of the scheduled work or in any description of powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, direction and length, and distances between points on a scheduled work shall be taken to be measured along the scheduled work.

(a) S.I. 2006/1466.

(b) 1992 c. 42. As amended by S.I. 1995/1541, S.I. 1998/2226, S.I. 2000/3199 and S.I. 2006/958.

(c) S.I. 1996/2714.

(d) S.I. 2006/405.

(e) S.I. 1969/96. As amended by S.I. 1973/1727.

Application of enactments relating to railways

3.—(1) The provisions of the Regulation of Railways Acts 1840 to 1893(a) shall not apply in relation to the authorised tramroad.

(2) The provisions of the Highway (Railway Crossings) Act 1839(b) shall not apply in relation to the authorised tramroad.

(3) Sections 32 to 34 of the Offences Against the Person Act 1861(c) shall apply in relation to the authorised tramroad as if the word “tramroad” were substituted for “railway” throughout those sections.

Power to construct and maintain work

4.—(1) The undertaker may construct and maintain the scheduled work in place of so much of Work No.10 of the 1996 Order as lies between the commencement and termination points of the scheduled work and may construct and maintain the remainder of that work under the 1996 Order to join the scheduled work.

(2) Subject to article 5 (power to deviate), the scheduled work may only be constructed in the lines or situations shown on the works plan and in accordance with the levels shown on the sections.

(3) Subject to paragraph (5), the undertaker may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled work, namely—

- (a) stations, platforms and tram stops;
- (b) works required for, or in connection with, the control of vehicular and pedestrian traffic on the authorised tramroad;
- (c) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (d) works to alter the course of, or otherwise interfere with, a watercourse other than a navigable watercourse;
- (e) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled work; and
- (f) works for the benefit or protection of premises affected by the scheduled work.

(4) Subject to paragraph (5), the undertaker may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled work, other than works that would interfere with a navigable watercourse.

(5) Paragraphs (3) and (4) shall only authorise the carrying out or maintenance of works within the limits of deviation.

(6) If the undertaker constructs the scheduled work, the undertaker shall not construct that part of Work No.10 of the 1996 Order in place of which the scheduled work is authorised to be constructed.

(7) If the undertaker constructs any part of Work No.10 of the 1996 Order between the commencement and termination points of the scheduled work, the undertaker shall not construct the scheduled work.

Power to deviate

5.—(1) In constructing or maintaining the scheduled work, the undertaker may—

- (a) deviate laterally from the lines or situations shown on the works plan within the limits of deviation for that work; and
- (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 3 metres upwards, and
 - (ii) to any extent downwards as may be found to be necessary or convenient.

(a) 1868 c. 119 and 1873 c. 48.

(b) 1839 c. 45.

(c) 1861 c. 100.

(2) The undertaker may, in constructing or maintaining any of the scheduled work, lay down—

- (a) double lines of rails in place of single lines;
- (b) single lines of rails in place of double lines;
- (c) interlacing lines of rails in place of double or single lines; or
- (d) double or single lines of rails in place of interlacing lines.

(3) The power in paragraph (2) shall not be exercised in the case of any authorised street tramway without the consent of the street authority, but such consent shall not be unreasonably withheld.

Designation of works

6.—(1) Regardless of anything in the description of the scheduled work contained in the Schedule the whole or any part of the authorised tramroad may be constructed within the limits of deviation for that work along a street as a street tramway, and so far as it is so constructed, shall be treated for the purposes of this Order as if it were so designated.

(2) Where, by means of the creation or extinguishment of rights of way, any part of the scheduled work which has been constructed as a tramroad becomes a street tramway, or any part which was constructed as a street tramway becomes a tramroad, it shall be treated for the purposes of this Order as if it were so designated.

Application of relevant local enactments

7.—(1) The following provisions of the 1996 Order shall apply to the scheduled work, to the extent that it is a tramroad or, as the case may be, a street tramway within the meaning of this Order, as if it were a work authorised by that Order and were included within the definition of “authorised tramroad”, or as the case may be, “authorised street tramway” in article 2 (interpretation) of that Order—

- article 4 (application of 1991 Act);
- article 7 (power to alter layout of streets);
- article 8 (power to keep apparatus in streets);
- article 9 (power to execute street works);
- article 11 (temporary stopping up of streets);
- article 12 (access to works);
- article 13 (construction and maintenance of new or altered streets) (as amended by article 5 of the 2006 Order);
- article 16 (agreements with street authorities);
- article 20 (power to construct temporary transit systems);
- article 22 (mode of construction and operation of transit system) (as amended by article 3 of the 2006 Order);
- article 23 (obstruction of construction of transit system);
- article 35 (power to operate and use transit system);
- article 37 (removal of obstructions);
- article 38 (traffic signs);
- article 40 (power to lop trees overhanging transit system);
- article 41 (trespass on tramroads);
- article 42 (power to make byelaws);
- article 44 (power of disposal, agreements for operation, etc.) (as amended by article 43(3) of the Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997^(a));
- article 45 (application of landlord and tenant law);
- article 46 (jurisdiction of Rail Users’ Consultative Committee);
- article 47 (tramcars deemed public service vehicles);
- article 60 (arbitration).

(a) S.I. 1997/1266.

(2) Article 11 of the 1996 Order as applied by paragraph (1) has effect with the addition of the following paragraph—

“(6) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the Land Compensation Act 1961(a).”.

(3) Article 4 of the 2006 Order (general duty in respect of construction and maintenance) is amended by the addition at the end of the list of enactments in paragraph (1) of—

“The Greater Manchester (Light Rapid Transit System) (Media City Extension) Order 2009”.

Restoration of streets if tramway discontinued

8. If the undertaker abandons the construction of or permanently ceases to operate any authorised street tramway, it shall as soon as reasonably practicable and unless otherwise agreed with the street authority—

- (a) remove from the street in which the tramway is laid the rails and any other works, equipment and apparatus which have become redundant; and
- (b) restore, to the reasonable satisfaction of the street authority, the portion of street along which the tramway was laid, or redundant works, equipment and apparatus were laid, regard being had to—
 - (i) the condition of the street before the tramway was laid; and
 - (ii) the nature of the traffic using the street at the time of the discontinuance.

Power to contract for police services

9.—(1) The undertaker may enter into any agreements with a police authority and its chief officer for the police force maintained by that authority to provide policing services for or in connection with the authorised tramway, including at any tramway premises.

(2) Any such agreement may provide for—

- (a) the undertaker to make such payment or other consideration for those policing services as the parties may agree; and
- (b) such incidental and ancillary matters as the parties consider appropriate.

(3) In this article—

- (a) “chief officer” means a chief officer of police within the meaning of the Police Act 1996(b) or the Chief Constable of the British Transport Police Force; and
- (b) “police authority” means a police authority within the meaning of that Act or the British Transport Police Authority within the meaning of the Railways and Transport Safety Act 2003(c).

Service of notices

10.—(1) Any notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(d) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

(a) 1961 c. 33.
(b) 1996 c. 16.
(c) 2003 c. 20.
(d) 1978 c. 30.

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement shall be taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender shall provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person shall give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation shall be final and shall take effect on a date specified by the person in the notice but that date shall not be less than 7 days after the date on which the notice is given.

(9) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

Certification of plans etc.

11. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the sections and the works plan to the Secretary of State for certification that they are, respectively, true copies of the sections and works plan referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Signed by authority of the Secretary of State

Ellis Harvey
Head of the Transport and Works Act Orders Unit
Department for Transport

27th April 2009

SCHEDULED WORK

A tramroad 350 metres in length commencing by a junction with Work No.4 authorised by the Greater Manchester (Light Rapid Transit System) (No.2) Act 1990(a) on the curve of that line south of Broadway Stop and comprising a double line at that point, running in a south-westerly direction initially as a double line, reducing to a single line followed by a further length of double line terminating at a stop adjacent to Huron Basin.

(a) 1990 c. xxiii.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Greater Manchester Passenger Transport Executive to construct works comprising a modification of a tramroad authorised by the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996 at Salford Quays in the City of Salford.

A copy of the works plan and the sections are available for inspection free of charge during working hours at the offices of the Greater Manchester Passenger Transport Executive, 2 Piccadilly Place, Manchester, M1 3BG.

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£5.50

E4217 05/2009 194217 19585