
STATUTORY INSTRUMENTS

2013 No. 2587

The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013

PART 4

OPERATION OF TRANSIT SYSTEM

Application of existing powers

39.—(1) The following provisions of the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996⁽¹⁾ apply to the authorised transit system as they apply to the transit system authorised by that Order—

- Article 20 (power to construct temporary transit systems);
- Article 35 (power to operate and use transit system);
- Article 37 (removal of obstructions);
- Article 40 (power to lop trees overhanging transit system);
- Article 41 (trespass on tramroads);
- Article 42 (power to make byelaws);
- Article 43 (power to contract for police services);
- Article 44 (powers of disposal, agreements for operation etc.) (as amended by article 43 of the Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997⁽²⁾);
- Article 45 (application of landlord and tenant law);
- Article 46 (jurisdiction of Rail Users' Consultative Committee);
- Article 47 (tramcars deemed public service vehicles).

(2) Article 4 of the Greater Manchester (Light Rapid Transit System) Order 2006 (general duty in respect of construction and maintenance)⁽³⁾ is amended by the addition at the end of the list of enactments in paragraph (1) of—

“The Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 ⁽⁴⁾.”

(3) Article 5 of the Greater Manchester (Light Rapid Transit System) Order 2006 (liability in respect of repair of streets) is amended by the addition at the end of the list of enactments in paragraph (1) of—

“The Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013.”

(1) S.I. 1996/2714.
(2) S.I. 1997/1266.
(3) S.I. 2006/405.
(4) S.I. 2013/2587.

Traffic signs

40.—(1) The undertaker may, for the purposes of, or in connection with the construction or operation of the authorised transit system, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) (general provisions as to traffic signs) of the 1984 Act or of a character authorised by the Secretary of State on any street in which the authorised transit system is laid or which gives access to such a street, or on any street in connection with any instrument made under article 41 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The undertaker—

- (a) must consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 (powers and duties of highway authorities as to placing of traffic signs) of the 1984 Act, must enter into arrangements with the traffic authority for any such signs other than traffic light signals to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the undertaker as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised transit system is laid or which gives access to such a street must consult with the undertaker as to the placing of any traffic sign which would affect the operation of the authorised transit system.

(5) Tramcars are to be taken to be public service vehicles for the purposes of section 122(2)(c) (exercise of functions by local authorities) of the 1984 Act.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Traffic regulation

41.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised transit system—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 7 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) authorise the use as a parking place in the manner specified in Part 2 of Schedule 7 of those roads specified in column (2) and along the lengths, between the points and to the extent specified in column (3) of that Part of that Schedule;
- (c) make provision as to the direction of vehicular traffic in the manner specified in Part 3 of Schedule 7 on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (d) permit or prohibit vehicular access in the manner specified in Part 4 of Schedule 7 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule; and
- (e) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the undertaker under this paragraph.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised transit system—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The powers conferred by paragraphs (1) and (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised transit system for public use but subject to paragraph (6) any prohibition, restriction or other provision made under paragraphs (1) or (2) may have effect both before and after the expiry of that period.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(5) The undertaker must not exercise the powers conferred by paragraphs (1) or (2) unless it has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect temporarily,

to the chief officer of police and to the traffic authority in whose area the road is situated; and

- (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a) (i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2)—

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated, as an order under section 32 or section 45 of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 10) to which the prohibition, restriction or other provision is subject; and

- (b) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(5) (road traffic contraventions subject to civil enforcement).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers of paragraph (2) within a period of 24 months from the opening of the authorised transit system for public use.

(8) Before exercising the powers of paragraph (2) the undertaker must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.