



# Greater Nottingham Light Rapid Transit Act 1994

## 1994 CHAPTER xv

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Other provisions*

#### **67 Power to contract for police**

- (1) The undertakers may from time to time make agreements with the chief officer of police and a police authority for the employment by the undertakers of any members of the police establishment of that police authority for police duty within railway premises of the undertakers or elsewhere upon the LRT system or any part of the LRT system.
- (2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the undertakers may agree with the police authority.
- (3) In this section “police authority” includes—
  - (a) a police authority within the meaning of the Police Act 1964; and
  - (b) the railways board.

#### **68 Power to operate LRT system and charge**

- (1) The undertakers may operate and use the LRT system for the carriage of passengers and goods.
- (2) The undertakers may demand, take and recover such charges for the use of the LRT system and any services and facilities provided in connection therewith, and may make such use subject to such terms and conditions, as they think fit.

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## **69 Arrangements with other operators**

- (1) The undertakers may enter into and carry into effect agreements with other persons providing public passenger transport services with regard to the issue of travel cards and the making of through ticketing arrangements.
- (2) In this section “public passenger transport service” has the meaning given by section 63 (10) (a) of the Transport Act 1985.

## **70 Power to form companies, etc**

The undertakers may form and promote, or join with any other person in forming and promoting, a company for carrying on any activities which the undertakers have power to carry on under this Act.

## **71 Powers of disposal, agreements for operation, etc**

- (1) The undertakers may, with the consent of the Secretary of State, sell, lease, charge or otherwise dispose of, on such terms and conditions as they think fit, the whole or any part of the LRT system or the right to operate the LRT system under this Act, to any person, including Greater Nottingham Rapid Transit Limited or any company formed under section 70 (Power to form companies, etc.) of this Act.
- (2) Without prejudice to the generality of subsection (1) above, the undertakers may enter into and carry into effect agreements with any person, including Greater Nottingham Rapid Transit Limited or any company formed under section 70 (Power to form companies, etc.) of this Act with respect to any of the following matters, namely, the construction, maintenance, use and operation of the LRT system, or any part or parts of that system, by any such person, and other matters incidental or subsidiary thereto or consequential thereon, and the defraying of, or the making of contributions towards, the cost of the matters aforesaid by the undertakers or any such person.
- (3) Any agreement under subsection (2) above may provide (inter alia) for the exercise of the powers of the undertakers in respect of the LRT system or any part or parts thereof, and for the transfer to any person of the LRT system or any part or parts thereof together with the rights and obligations of the undertakers in relation thereto.
- (4) The exercise of the powers of any enactment by any person in pursuance of any sale, lease, charge or disposal under subsection (1) above, or any agreement under subsection (2) above shall be subject to the same restrictions, liabilities and obligations as would apply under this Act, or under any agreement or undertaking concerning the exercise of the powers of this Act, if those powers were exercised by the undertakers.
- (5) The railways board may enter into and carry into effect agreements with the undertakers under subsection (2) above.

## **72 Application of landlord and tenant law**

- (1) This section applies to any agreement for leasing to any person the whole or any part of the LRT system or the right to operate the same under section 71 (1) of this Act or any agreement entered into by the undertakers with any person for the construction, maintenance, use or operation of the LRT system, or any part of that system under section 71 (2) of this Act, so far as any such agreement relates to the terms on which

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any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

- (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this section applies.
- (3) Accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—
  - (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
  - (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
  - (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

### **73 Substitute road services**

- (1) The undertakers may provide or secure the provision by other persons of services for the carriage of passengers by road (“substitute services”) where the LRT system has been temporarily interrupted, curtailed or discontinued.
- (2) The route, frequency and stopping places of any substitute service need not correspond with the route of the interrupted, curtailed or discontinued service.
- (3) Section 6 of the Transport Act 1985 shall not apply to any substitute services.

### **74 Advisory committee**

- (1) The undertakers shall establish a committee to be known as the Greater Nottingham Light Rapid Transit Advisory Committee (“the advisory committee”) to advise the undertakers as regards the construction and operation of the LRT system.
- (2) Before making appointments to the advisory committee the undertakers shall consult the Rail Users' Consultative Committee for the time being established under section 2 (2) of the Act of 1993 for the area where the LRT system is situated.
- (3) It shall be the duty of the advisory committee to consider representations made to them as regards the construction and operation of the LRT system by members of the public.

### **75 Disapplication of enactment**

Section 21 (For the protection of the Corporation of Nottingham) of the Manchester, Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893 shall not apply to any of the authorised works.

### **76 Forest Recreation Ground**

- (1) In this section—

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“the car park” means the interchange car park and associated facilities to be provided pursuant to section 26 of, and Schedule 4 to, this Act on the lands in the City numbered 192 on the deposited plans;

“the designated works” means so much of Works Nos. 2E, 3A and 3B as is situated on the relevant land;

“the particular purpose” means the provision of the car park; and

“the relevant land” means so much of the lands in the City numbered 192 on the deposited plans as is not required for Work No. 2J.

- (2) Nothing in this Act shall authorise the undertakers to acquire any part of the relevant land for the particular purpose but the City Council may make the relevant land or any part thereof available to the undertakers for the particular purpose on the terms specified in subsection (3) of this section.
- (3) The terms to which this subsection applies are such terms as the City Council considers appropriate and shall in particular include provisions such as are referred to in Schedule 6 to this Act.
- (4) If at any time after the opening to traffic of the designated works the undertakers cease to operate any part of those works with the intention that that cessation shall be permanent, they shall as soon as reasonably practicable, unless otherwise agreed with the City Council—
  - (a) remove the rails and any other works, equipment and apparatus which have become redundant; and
  - (b) restore, to the reasonable satisfaction of the City Council, the relevant land to as good a condition as that in which it was before the making of the designated works.
- (5) Following the completion of any restoration pursuant to subsection (4) (b) above so much of the relevant land as is so restored shall continue to be held by the City Council as though this Act had not been passed.

## **77 Fencing of railways**

Nothing in this Act or any other enactment shall require the undertakers to fence—

- (a) so much of the authorised railways as is constructed in or adjoining the Forest Recreation Ground; or
- (b) any other portion of the authorised railways which, not being designated as a tramway, adjoins any public open space or other unenclosed land.

## **78 Level crossings at Basford Vernon**

(1) In this section—

“the additional David Lane crossing” means the level crossing authorised to be provided by the undertakers adjoining the existing David Lane crossing pursuant to section 9 of this Act, whereby Work No. 7 will be carried over David Lane, Basford Vernon;

“the board’s new level crossing” means the new level crossing authorised to be provided by the railways board at Basford Vernon pursuant to the relevant section;

“the existing David Lane crossing” means the existing David Lane level crossing as defined in the relevant section;

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- “the new road” means the new road referred to in the relevant section;
- “the northern crossings” means the board’s new level crossing and the undertakers’ new level crossing;
- “the relevant section” means section 21 of the British Railways Act 1990;
- “the southern crossings” means the additional David Lane crossing and the existing David Lane crossing;
- “the undertakers’ new level crossing” means the new level crossing authorised to be provided by the undertakers adjoining the board’s new level crossing pursuant to section 9 of this Act, whereby Work No. 7 will be carried over the new road.
- (2) (a) This subsection shall apply if, at the date when the undertakers are ready to carry Work No. 7 over David Lane by the additional David Lane crossing, the board’s new level crossing has not been completed and opened for public use.
- (b) If this subsection applies, then, notwithstanding anything in the relevant section, the extinguishment of all rights of way over the existing David Lane crossing pursuant to the relevant section shall not take effect until—
- (i) both the board’s new level crossing and the undertakers’ new level crossing have been completed and opened for public use; and
- (ii) the County Council determine that the existing David Lane crossing and the additional David Lane crossing shall be closed.
- (c) Upon the extinguishment, as from the completion and opening for public use of the board’s new level crossing, of all rights of way over the existing David Lane crossing pursuant to subsection (4) of the relevant section (as that section has effect subject to paragraph (b) above) all rights of way over the additional David Lane crossing shall also be extinguished.
- (3) (a) This subsection shall apply if—
- (i) before the date when the undertakers are ready to carry WorkNo. 7 over David Lane, the board’s new level crossing has been completed and opened for public use; and
- (ii) the County Council and the railways board have not entered into an agreement pursuant to subsection (4) below whereby both the northern crossings and the southern crossings shall be kept open for public use.
- (b) If this subsection applies—
- (i) the undertakers shall not be required to provide the additional David Lane crossing; and
- (ii) all rights of way over so much of David Lane as is required for Work No. 7 shall be extinguished as from the completion and opening for public use of the board’s new level crossing.
- (4) Notwithstanding anything in the foregoing provision of this section or in the relevant sections the County Council and the railways board may enter into and carry into effect agreements whereby both the northern crossings and the southern crossings shall be kept open for public use.

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## **79 Restoration of streets if tramway discontinued**

If the undertakers cease to operate any tramway with the intention that that cessation shall be permanent, they shall as soon as reasonably practicable, unless otherwise agreed with the highway authority—

- (a) remove from the street in which that discontinued 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 highway authority, the part of the street along which the discontinued tramway was laid, regard being had to the condition of the street before the tramway was laid.

## **80 Local inquiries**

- (1) Subject to subsection (2) below, subsections (2) to (5) of section 250 of the Local Government Act 1972 (supplementary provisions with respect to local inquiries held in pursuance of that section) shall apply to local inquiries under this Act as they apply to inquiries under that section.
- (2) Subsection (4) of the said section 250 shall apply in accordance with subsection (1) above, in relation to such local inquiries as are held with respect to any order under this Act as if the reference to a local authority in that subsection were a reference to the undertakers.

## **81 Arbitration**

Where under this Act any difference (other than a difference to which the provisions of the Act of 1965 apply) is to be determined by arbitration, then, unless otherwise provided, the difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other)—

- (a) in the case of a difference under section 40 (Approval of plans by local authorities, etc.) relating to works in the Forest Recreation Ground, by the President of the Landscape Institute;
- (b) in the case of any other difference arising under the said section 40, by the President of the Royal Town Planning Institute following consultation with the President of the Royal Institute of British Architects;
- (c) in any other case, by the President of the Institution of Civil Engineers.

## **82 Planning permission**

- (1) Subject to subsection (2) below, in its application to development authorised by this Act, the planning permission specified in subsection (3) below shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.
- (2) Subsection (1) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of the authorised works or the substitution of new works therefor.
- (3) The planning permission referred to in subsection (1) above is that granted for development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits

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development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).