

201[] No.

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

Blackpool Tramway (Blackpool North Extension) Order

Made - - - - - ***

Coming into force - - - - - ***

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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 caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.]

[The Secretary of State, having considered the objections made and not withdrawn, and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with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 [] 201[].

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 5, 7, 8, 10, 11 and 15 to 17 of Schedule 1 to the 1992 Act, makes the following Order—

PART 1 PRELIMINARY

Citation and commencement

1. This Order may be cited as the Blackpool Tramway (Blackpool North Extension) Order 201[].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961^(c);

“the 1965 Act” means the Compulsory Purchase Act 1965^(d);

“the 1980 Act” means the Highways Act 1980^(e);

“the 1984 Act” means the Road Traffic Regulation Act 1984^(f);

“the 1990 Act” means the Town and Country Planning Act 1990^(g);

“the 1991 Act” means the New Roads and Street Works Act 1991^(h);

“the 1992 Act” means the Transport and Works Act 1992;

“address” includes any number or address used for the purposes of electronic transmission;

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000;

(a) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755.

(b) 1992 c. 42. Section 1 was amended by the Planning Act 2008 (c. 29), Schedule 2, paragraphs 51 and 52; section 5 was amended by S.I. 2012/1559.

(c) 1961 c. 33.

(d) 1965 c. 56.

(e) 1980 c. 66.

(f) 1984 c. 27.

(g) 1990 c. 8.

(h) 1991 c. 22.

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

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

“the authorised tram system” means the existing tram system, together with the tram system (consisting of the authorised street tramways and the authorised tramroads) authorised by this Order, or any part of that system;

“the authorised works” means the scheduled works and any other works or operations authorised by this Order, or any part of them;

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

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“cycle track” has the same meaning as in the 1980 Act;

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

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

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

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the existing tram system” means the system of tramroads and tramways comprised in the tramways undertaking referred to in section 70 (definition of tramways undertaking) of the County of Lancashire Act 1984(b) continued and maintained by the promoter under Head B (tramways undertaking) of Part 12 of that Act;

“footway” has the same meaning as in the 1980 Act;

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

“the limits of deviation” means the limits of lateral deviation mentioned in article 7(1)(a) and (2) for the scheduled works;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to 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(c) or the Rent Agriculture Act 1976)(d);

“the Order limits” means the permanent limits and the temporary limits;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(e);

“parking place” has the same meaning as in section 32 (power of local authorities to provide parking places) of the 1984 Act;

“the permanent limits” means the limits of deviation and of land to be acquired or used as shown on the deposited plans, and described in the book of reference;

“the promoter” means the Blackpool Borough Council;

(a) 1989 c. 29.

(b) 1984 c. xxi.

(c) 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).

(d) 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).

(e) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

“public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority or a harbour authority within the meaning of the Harbours Act 1964(a);

“the scheduled works” means the works and operations specified in Schedule 1 (scheduled works) or any part of them;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“street tramway” means any part of a tram system 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;

“the temporary limits” means the limits of land to be used temporarily as shown on the deposited plans, described in the book of reference and specified in columns (1) and (2) of Schedule 5 (land of which temporary possession may be taken);

“the traffic regulation plan” means the plan certified by the Secretary of State as the traffic regulation plan for the purposes of this Order;

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

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

“tram services” means passenger services utilising the authorised tram system;

“tram system” means a system of transport consisting of a street tramway or a tramroad or any combination of those modes of transport;

“the tribunal” means the Lands Chamber of the Upper Tribunal; and

“vehicle” includes mobile traction unit.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on or under land or in the airspace above its surface.

(3) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to numbered plots are references to plot numbers shown on the deposited plans.

(5) References in this Order to points identified by letters and numbers are to be construed as references to the points marked on the deposited plans and the traffic regulation plan.

(6) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands are approximate, and distances between points on a scheduled work are taken to be measured along the scheduled work.

Application of enactments relating to railways

3.—(1) The provisions of the Regulation of Railways Acts 1840 to 1893 do not apply in relation to the authorised tram system.

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

(3) Nothing in this article affects the application to the authorised tramroads of sections 32 to 34 of the Offences Against the Person Act 1861(c).

(a) 1964 c. 40.
(b) 1839 c. 45.
(c) 1861 c. 100.

Application of Order to existing Blackpool Tramway

4.—(1) From the beginning of the day on which the tram system authorised by this Order is first operated pursuant to an agreement under article 48 (powers of disposal, agreements for operation, etc.), the following provisions of this Order are to apply to the whole of the authorised tram system as they apply to the tram system authorised by this Order—

- (a) article 24 (mode of construction and operation of tram system);
- (b) article 40 (power to charge fares);
- (c) article 41 (removal of obstructions);
- (d) article 42 (traffic signs);
- (e) article 43 (traffic regulation);
- (f) article 45 (trespass on tramroads);
- (g) subject to paragraph (3), article 46 (power to make byelaws);
- (h) article 47 (power to contract for police services);
- (i) article 48 (powers of disposal, agreements for operation, etc.);
- (j) article 49 (application of landlord and tenant law);
- (k) article 50 (trams deemed public service vehicles);
- (l) article 51 (substitute road services);
- (m) Part 5 (penalty fares); and
- (n) article 64 (defence to proceedings in respect of statutory nuisance).

(2) The following provisions of the County of Lancashire Act 1984^(a) are repealed at the beginning of the day on which the tram system authorised by this Order is first operated pursuant to an agreement under article 48 (powers of disposal, agreements for operations, etc.)—

- (a) section 73 (tramways to be kept on level of surface of road);
- (b) section 76 (provisions as to use of electrical energy);
- (c) section 77 (temporary stoppage of roads);
- (d) section 78 (removal of obstructions);
- (e) subject to paragraph (3), section 79 (byelaws as to tramways undertaking);
- (f) section 80 (regulations as to tramways undertaking);
- (g) section 81 (power to charge for use of tramway);
- (h) section 82 (application of lost property regulations); and
- (i) section 83 (application of Tramways Act 1870).

(3) From the beginning of the day on which section 79 of the County of Lancashire Act 1984 is repealed by paragraph (2)(c), and despite the repeal of that section—

- (a) any byelaws then applying to the existing tramway under that section are to continue to apply to the existing tramway until they are revoked or amended by byelaws made under article 46 (power to make byelaws); and
- (b) any byelaws then applying to the existing tramway under that section are to apply to the tram system authorised by this Order as if they were made under article 46, until they are revoked or amended by byelaws made under article 46 (power to make byelaws).

Application, modification and exclusion of legislative provisions relating to street works

5.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

(a) 1984 c. xxi.

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; 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(a) (dual carriageways and roundabouts) of the 1980 Act or section 184 (vehicle crossings) of that Act.

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned are, in relation to works which are major transport works by virtue of paragraph (1), to be construed as references to the promoter.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- section 56 (directions as to timing);
- section 56A (power to give directions as to placing of apparatus);
- section 58 (restrictions following substantial road works);
- section 58A (restriction on works following substantial street works);
- section 73A (power to require undertaker to re-surface street);
- section 73B (power to specify timing etc. of re-surfacing);
- section 73C (materials, workmanship and standard of re-surfacing);
- section 78A (contributions to costs of re-surfacing by undertaker); and
- Schedule 3A (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street by the promoter under the powers conferred by this Order whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(b) referred to in paragraph (4) are—

- section 54(c) (advance notice of certain works) subject to paragraph (6);
- section 55(d) (notice of starting date of works) subject to paragraph (6);
- section 57(e) (notice of emergency works);
- section 59(f) (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 68 (facilities to be afforded to street authority);
- section 69 (works likely to affect other apparatus in the street);
- section 75 (inspection fees);
- section 76 (liability for cost of temporary traffic regulation);
- 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.

(a) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).

(b) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(c) As also amended by section 49(1) of the Traffic Management Act 2004.

(d) As also amended by sections 49(2) and 51(9) of the Traffic Management Act 2004.

(e) As also amended by section 52(3) of the Traffic Management Act 2004.

(f) As amended by section 42 of the Traffic Management Act 2004.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) 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.

(7) Nothing in article 14 (construction and maintenance of new, altered or diverted streets)—

(a) prejudices the operation of section 87 of the 1991 Act (prospectively maintainable highways); and the promoter is not by reason of any duty under that article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or

(b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

(8) To such extent as is reasonably necessary for protecting the authorised street tramways and their operation and use the promoter has the same powers as respects reinstatement as a street authority has under section 72 of the 1991 Act.

(9) In its application to the authorised tram system section 93(3) of the 1991 Act also permits the promoter to make reasonable requirements—

(a) for allowing it facilities to monitor the execution of the works; and

(b) for the protection of the authorised tram system.

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

6.—(1) The promoter may construct and maintain the scheduled works.

(2) Subject to article 7 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (7), the promoter 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 works, namely—

(a) stations, platforms, junctions and tram stops;

(b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised tram system;

(c) works required for the strengthening, improvement, repair or reconstruction of any street;

(d) works for the strengthening, alteration or demolition of any building or structure;

(e) works to remove or to alter the position of any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;

(f) landscaping, ecological and other works to mitigate any adverse effects of the construction, maintenance or operation of the other authorised works;

(g) earthworks required for the carrying out of the authorised works; and

(h) facilities and works for the benefit or protection of land or premises affected by the other authorised works.

(4) Subject to paragraph (7), the promoter may carry out and maintain 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 authorised works.

(5) The promoter may remove any works constructed by it under this Order which have been constructed as temporary works or which it no longer requires.

(6) Where the promoter lays down conduits for the accommodation of cables or other apparatus for the purposes of or associated with the authorised works it may provide in, or in connection with, such conduits, accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between it and such other person.

(7) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works—

- (a) within the Order limits; or
- (b) within the boundaries of any street.

(8) The powers of this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but such consent must not be unreasonably withheld.

(9) Regardless of the powers conferred by paragraph (3)(e) the promoter and a person responsible for any street furniture or apparatus may enter into agreements for that person to undertake under the powers conferred by this article or under its own powers any works to the apparatus which may be required by the promoter for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(10) The scheduled works may be constructed and maintained regardless of anything contained in or done under Head C (The Promenade) of Part 12 of the County of Lancashire Act 1984(a).

Power to deviate

7.—(1) In constructing or maintaining any of the scheduled works, the promoter may—

- (a) deviate laterally from the lines or situations shown on the deposited plans within the Order limits; and
- (b) deviate vertically from the levels shown on the deposited sections—
 - (i) to any extent upwards not exceeding 3 metres; and
 - (ii) to any extent downwards as may be found to be necessary or convenient.

(2) In constructing or maintaining any work or part of a work shown on the deposited plans as being situated in a street and for which no limits of deviation are shown on those plans, the promoter may deviate laterally within the boundaries of that street.

(3) The promoter may in constructing or maintaining any of the authorised street tramways 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.

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

(5) The promoter may in constructing or maintaining any of the authorised street tramways lay down such number of switches and crossings as may be necessary or expedient.

(6) The promoter may in constructing and maintaining any of the authorised tramroads provide within the limits of deviation for those tramroads such number of lines of rails and sidings, switchings and crossings as may be necessary or expedient.

(7) Without limitation on the scope of paragraph (1), in constructing or maintaining the scheduled works the promoter may, to the extent it thinks fit, deviate laterally from their points of commencement and termination shown on the deposited plans.

(a) 1984 c. xxi.

Designation of works

8.—(1) Notwithstanding anything in the description of the scheduled works contained in Schedule 1 (scheduled works)—

- (a) the whole or any part of an authorised street tramway may be constructed within the limits of deviation for that work off-street as a tramroad, and so far as it is so constructed is treated for the purposes of this Order as if it were so designated; and
- (b) the whole or any part of an 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 constructed is 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 authorised tram system 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 is treated for the purposes of this Order as if it were so designated.

Streets

Power to alter layout, etc., of streets

9.—(1) The promoter may alter the layout of, and carry out other ancillary works in, any street specified in column (1) of Schedule 2 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2) of that Schedule.

(2) Without prejudice to the specific powers conferred by article 6 (power to construct and maintain works) or paragraph (1) but subject to paragraph (3), the promoter may for the purpose of constructing, maintaining or using any authorised street tramway alter the layout of the street along which the street tramway is or is to be laid and the layout of any street having a junction with such a street; and, without limitation on the scope of the foregoing, the promoter may—

- (a) increase or reduce the width of the whole or part of any carriageway, kerb, footway, cycle track or verge within the street;
- (b) alter the level of the whole or part of any such carriageway, kerb, footway, cycle track or verge;
- (c) replace or alter the surface or surface treatment of the street;
- (d) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for tramcars or by carrying out other works for that purpose;
- (e) carry out works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys;
- (f) carry out traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999^(a) and which are carried out in compliance with those regulations;
- (g) carry out works to the street for the purpose of deterring or preventing vehicles other than tramcars from passing along the tram system; and
- (h) make and maintain crossovers, sidings or passing places.

(3) The powers in paragraph (2) must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

Power to keep apparatus in streets

10.—(1) The promoter may, for the purposes of or in connection with the construction, maintenance and use of the authorised tram system, place and maintain in any street any work,

(a) S.I. 1999/1026.

equipment or apparatus including, without limitation on the scope of the foregoing, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) The powers of this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but such consent must not be unreasonably withheld.

(3) In this article—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act; and
- (b) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

Power to execute street works

11.—(1) The promoter may, for the purpose of exercising the powers conferred by article 10 (power to keep apparatus in streets) or any other provision of this Order, enter upon any street, and may execute any works required for or incidental to the exercise of those powers including, without limitation on the scope of the foregoing, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

(2) The powers of this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but such consent must not be unreasonably withheld.

Temporary stopping up of streets

12.—(1) The promoter may, during and for the purposes of the execution of the authorised works temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the promoter may use any street stopped up under the powers conferred by this article as a temporary working site.

(3) The promoter must provide at all times reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without limitation on the scope of paragraph (1), the promoter may exercise the powers conferred by this article in relation to the streets specified in column (1) of Schedule 3 (streets to be temporarily stopped up) to the extent specified in column (2) of that Schedule.

(5) The promoter must not exercise the powers conferred by this article—

- (a) in relation to any street specified as mentioned in paragraph (4) that is not a highway, without first consulting the street authority; and
- (b) in relation to any other street without the consent of the street authority, but such consent must not be unreasonably withheld.

(6) The powers conferred by this article may be exercised despite anything contained in or done under Head C (The Promenade) of Part 12 of the County of Lancashire Act 1984(a).

Access to works

13. The promoter may, for the purposes of the construction, operation or maintenance of the authorised works, form and lay out such means of access or improve such existing means of access, to any street, as may be approved by the highway authority, but such approval must not be unreasonably withheld.

(a) 1984 c. xxi.

Construction and maintenance of new, altered or diverted streets

14.—(1) Any street to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and must, unless otherwise agreed between the promoter and the highway authority, be maintained by and at the expense of the promoter for a period of 18 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of the promoter for a period of 18 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) In any action against the promoter in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the promoter had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(4) For the purposes of a defence under paragraph (3), the court will in particular have regard to the following matters—

- (a) the character of the street including its use for a tramway, and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the promoter knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the promoter could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed;

but for the purposes of such a defence it is not relevant that the promoter had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the promoter had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

Restoration of streets if street tramway discontinued

15. If the promoter abandons the construction of, or permanently ceases to operate any of the authorised street tramways (“the discontinued tramway”), it must as soon as reasonably practicable and unless otherwise agreed with the street authority—

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

Agreements with street authorities

16.—(1) A street authority and the promoter may enter into agreements with respect to—

- (a) the construction of any new street under the powers conferred by this Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) the maintenance of any street along or across which a street tramway is laid;

- (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
 - (e) the execution in the street of any of the works referred to in article 11 (power to execute street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

New road crossings

17.—(1) Where by virtue of the creation of a highway or other road after the day on which application was made for this Order under section 6 of the 1992 Act, any authorised tramroad would cross that highway or road, then the promoter may construct the tramroad so as to carry it on the level across the highway or road.

(2) The promoter may provide, maintain and operate at or near any new road crossing such protective equipment as the Health and Safety Executive may in writing approve.

(3) Any traffic sign placed pursuant to this article on or near a highway or other road to which the public has access is to be treated for the purposes of section 64(4) of the 1984 Act as having been placed as provided by that Act.

(4) Without limitation on the scope of article 9 (power to alter layout, etc., of streets), the promoter may in the exercise of the powers of this article alter the level of any highway or road referred to in paragraph (1).

(5) The highway authority may enter into agreements with the promoter with respect to the construction and maintenance of any new road crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(6) In this article—

“new road crossing” means the place at which an authorised tramroad crosses a highway or other road on the level under the powers conferred by this article; and

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the 1984 Act), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

Supplemental powers

Attachment of equipment to buildings

18.—(1) Subject to the following provisions of this article, the promoter may affix to any building for the time being constructed on any land mentioned in the book of reference—

- (a) any brackets, cables, wires, insulators and other apparatus required in connection with the authorised tram system; and
- (b) any lamps, brackets, pipes, electric lines and other apparatus required for the provision of additional or substitute street lighting in consequence of the construction of the authorised tram system.

(2) The promoter must not under this article affix any apparatus to a building without the written consent of the relevant owner of the building; and such consent may be given subject to reasonable conditions (including, where appropriate, the payment of rent) but must not be unreasonably withheld.

(3) Where—

- (a) the promoter serves on the relevant owner of a building a notice requesting the owner’s consent to the affixing of specified apparatus to the building; and

- (b) the relevant owner does not within the period of 56 days beginning with the date upon which the notice is served give consent unconditionally or give it subject to conditions or refuse it;

the consent is deemed to have been withheld.

(4) Where, in the opinion of the promoter, a consent required under this article for the affixing of specified apparatus is unreasonably withheld or given subject to unreasonable conditions, it may apply to the magistrates' court, who may either allow the apparatus to be affixed subject to such conditions, if any, as it thinks fit or may disallow the application.

(5) Where apparatus is affixed to a building under this article—

- (a) any owner for the time being of the building may serve on the promoter not less than 56 days' notice requiring the promoter at its own expense temporarily to remove the apparatus during any reconstruction, demolition or repair of the building if such removal is reasonably necessary for that purpose; and
- (b) the promoter has the right as against any person having an interest in the building to use and maintain the apparatus.

(6) Where, in the opinion of the promoter, a requirement temporarily to remove any apparatus affixed to a building under this article during any reconstruction, demolition or repair of the building is not reasonably necessary for that purpose, the promoter may refer the matter to an arbitrator under article 68 (arbitration), who may either allow the apparatus to be temporarily removed or may order that it must not be temporarily removed.

(7) The promoter must pay compensation to the owners and occupiers of the building for any loss or damage sustained by them by reason of the exercise of the powers conferred by paragraphs (1) and (5)(b); and any dispute as to a person's entitlement to compensation, or as to the amount of the compensation, is determined under Part 1 of the 1961 Act.

(8) In this article—

“building” includes any structure and a bridge or aqueduct over the street; and

“relevant owner”—

- (a) in relation to a building occupied under a lease or tenancy having an unexpired term exceeding 5 years, means that occupier of the building; or
- (b) in relation to any other building, means the person for the time being receiving the rack rent of the building whether on the person's own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rack rent.

Discharge of water

19.—(1) The promoter may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits or in any street along which any authorised street tramway is authorised to be laid, make openings into, and connections with, the watercourse, sewer or drain.

(2) The promoter must not discharge any water into any watercourse, public sewer or drain except with the consent of the authority to which it belongs; and such consent may be given subject to such terms and conditions as the authority may reasonably impose but must not be unreasonably withheld.

(3) The promoter must not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the authority to which the sewer or drain belongs, but such approval must not be unreasonably withheld.

(4) The promoter must not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(5) The promoter must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is

as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.

(6) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(a).

(7) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority, or a harbour authority within the meaning of the Harbours Act 1964(b);
- (b) “watercourse” includes all docks, rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except a public sewer or drain; and
- (c) other expressions used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Safeguarding works to buildings

20.—(1) Subject to the following provisions of this article, the promoter may at its own expense and from time to time carry out such safeguarding works to any building lying within the Order limits as the promoter considers to be necessary or expedient.

(2) Safeguarding works may be carried out—

- (a) at any time before or during the construction, in the vicinity of the building, of any part of the authorised works (other than works authorised by this article); or
- (b) after the completion of the construction of that part of the authorised works (other than works authorised by this article), at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the promoter may enter and survey any building falling within paragraph (1) and any land belonging to it.

(4) For the purpose of carrying out safeguarding works under this article to a building the promoter may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land belonging to it; and
- (b) where the works cannot be carried out reasonably conveniently without entering land adjacent to the building, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out safeguarding works to a building;
- (b) a right under paragraph (3) to enter a building and any land belonging to it;
- (c) a right under paragraph (4)(a) to enter a building or land and any land belonging to it; or
- (d) a right under paragraph (4)(b) to enter land;

the promoter must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days’ notice of its intention to exercise that right and in a case falling within sub-paragraph (a) or (c), specifying the safeguarding works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is

(a) 1991 c. 57.
(b) 1964 c. 40.

necessary or expedient to carry out the safeguarding works or to enter the building or land to be referred to arbitration under article 68 (arbitration).

(7) The promoter must compensate the owners and occupiers of any building or land in relation to which the powers of this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

- (a) safeguarding works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use, it appears that the safeguarding works are inadequate to protect the building against damage caused by the construction or operation of that part of the works;

the promoter must compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without prejudice to article 67 (no double recovery), nothing in this article relieves the promoter from any liability to pay compensation under section 10(2) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) In this article—

- (a) “building” includes any structure or erection or any part of a building, structure or erection; and
- (b) “safeguarding works”, in relation to a building, means—
 - (i) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;
 - (ii) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
 - (iii) any works the purpose of which is to secure the safe operation of the tram system or to prevent or minimise the risk of such operation being disrupted.

Power to construct temporary street tramways

21.—(1) The promoter may, if it considers it necessary or expedient in consequence of any works executed or proposed to be executed in a street along which an authorised street tramway is constructed—

- (a) remove or discontinue the operation of the authorised street tramway; and
- (b) lay, maintain and operate in that street or in a street near to that street a temporary street tramway in lieu of the authorised street tramway.

(2) The powers conferred by this article may only be exercised with the consent of the street authority but such consent must not be unreasonably withheld.

(3) The provisions of articles 9(2), 10, 11 and 42 apply in relation to temporary street tramways laid under this article as they apply in relation to the authorised street tramways.

Planning permission: supplementary matters

22.—(1) Planning permission which is deemed by a direction under section 90(2A) of the 1990 Act to be granted in relation to the authorised works is to be treated as specific planning permission for the purposes of section 264(3)(a) of that Act (cases in which land is to be treated as operational land for the purposes of that Act).

Power to survey and investigate land, etc.

23.—(1) The promoter may for the purposes of this Order—

- (a) survey or investigate any land within the Order limits, any street along which any authorised street tramway is authorised to be laid and any street having a junction with such a street;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions as the promoter thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out archaeological investigations on any such land;
- (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the authorised works;
- (e) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (d); and
- (f) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (e).

(2) No land may be entered, or equipment placed or left on or removed from the land, under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the promoter—

- (a) must, if so required, before or after entering the land produce written evidence of the person's authority to do so; and
- (b) may take with the person such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article in a carriageway or footway without the consent of the street authority, but such consent must not be unreasonably withheld.

(5) The promoter must pay compensation for any damage occasioned, by the exercise of the powers conferred by this article, to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) Nothing in this article obviates the need to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(a).

Mode of construction and operation of tram system

24.—(1) The authorised tram system is to be operated by electricity or, in an emergency or in an emergency or for the purposes of maintenance, by diesel power or other means.

(2) The authorised street tramway and authorised tramroad is to be constructed on a nominal gauge of 1,435 millimetres.

(3) Where a tramway is constructed along a street or in any place to which the public has access (including any place to which the public has access only on making a payment), the promoter must take such care as in all the circumstances is reasonable to ensure that the tramway is constructed and maintained so that the street or other place is safe for other users.

(4) When considering what measures are required under paragraph (3) the promoter must have particular regard to the character and usage of the street or other place and to those who could reasonably be expected to use it.

(5) Where the authorised street tramway has been constructed in a street, works by any person which affect or are likely to affect the promoter's obligations under paragraph (3), including works to any street surfaces and works affecting any equipment or apparatus placed in the street under

(a) 1979 c. 46.

article 10 (power to keep apparatus in streets) must not be carried out without the consent of the promoter, which may be given subject to such reasonable terms and conditions as the promoter may require but must not be unreasonably withheld.

Obstruction of construction of authorised works

25. Any person who, without reasonable excuse—

- (a) obstructs another person from constructing any of the authorised works under the powers conferred by this Order; or
- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the promoter,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

26. The promoter may acquire compulsorily so much of the land shown on the deposited plans as lying within the permanent limits as may be required for or in connection with the authorised works and may use any land so acquired for those purposes or for any other purposes connected with, or ancillary to, its tram system undertaking.

Application of Part 1 of the Compulsory Purchase Act 1965

27.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(a) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as so applied, has effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (streets to be temporarily stopped up) (which makes provision as to the giving of bonds) were omitted.

Application of Compulsory Purchase (Vesting Declarations) Act 1981

28.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(b) applies to the promoter as if this Order were a compulsory purchase order.

(2) In its application by virtue of paragraph (1), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) substitute—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

(a) 1981 c. 67.

(b) 1981 c. 66.

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)”, and after “given” insert “and published”.

(5) In that section, for subsections (5) and (6) substitute—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2) .

(7) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(8) References to the Compulsory Purchase Act 1965 are construed as references to that Act as applied to the acquisition of land by article 27 (application of Part 1 of the Compulsory Purchase Act 1965).

Powers to acquire new rights

29.—(1) The promoter may compulsorily acquire such easements or other rights over any land within the permanent limits as may be required for any purpose for which that land may be acquired, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 4 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the promoter acquires a right over land under paragraph (1) the promoter is not be required to acquire a greater interest in that land.

(3) Schedule 4 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

Powers to acquire subsoil only

30.—(1) The promoter may compulsorily acquire so much of the subsoil of the land within the permanent limits as may be required for any purpose for which that land may be acquired instead of acquiring the whole of the land.

(2) Where the promoter acquires any part of the subsoil of land under paragraph (1) the promoter is not required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent article 35 (acquisition of part of certain properties) from applying where the promoter acquires a cellar, vault, arch or other construction forming part of a house, building or factory.

Rights under or over streets

31.—(1) The promoter may enter upon and appropriate so much of the surface, subsoil of, or air-space over, any street shown on the deposited plans and described in the book of reference as may be required for the purposes of the authorised works and may use the surface, subsoil and air-

space for those purposes or any other purpose connected with or ancillary to its tram system undertaking.

(2) The power under paragraph (1) may be exercised in relation to a street without the promoter being required to acquire any part of the street or any easement or right in the street.

(3) Any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the promoter acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation, the amount of such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting on to the street.

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker, to whom section 85 of the 1991 Act applies, in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary possession of land

Temporary use of land for construction of works

32.—(1) The promoter may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of—
 - (i) so much of the land shown on the deposited plans as lying within the temporary limits for the purpose specified in relation to that land in column (3) of Schedule 5 (land of which temporary possession may be taken) relating to the scheduled works (or any of them) specified in column (4) of that Schedule; and
 - (ii) any of the land within the permanent limits in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
- (b) remove any buildings and vegetation from that land; and
- (c) construct temporary works (including the provision of means of access) and buildings on the land.

(2) Not less than 14 days before exercising the powers of paragraph (1) the promoter must serve notice of the intended entry on the owners and occupiers of the land.

(3) The promoter may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—

- (a) in the case of land lying within the temporary limits, after the end of the period of 2 years beginning with the date of completion of the work or works specified in relation to that land in column (4) of Schedule 5; or
- (b) in the case of land within the permanent limits, after the end of the period of 2 years beginning with the date of completion of the work or works for which temporary possession of the land was taken unless the promoter has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the promoter must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the promoter is not required to replace a building removed under this article.

(5) The promoter must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Without prejudice to article 67 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where the promoter takes possession of land under this article, it is not required to acquire the land or any interest in it.

(9) In this article "building" includes any structure or other erection.

(10) Section 13 of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 27(1).

Temporary use of land for maintenance of works

33.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, the promoter may—

- (a) enter upon and take temporary possession of any land within the Order limits and lying within 20 metres from that work if such possession is reasonably required for the purpose of, or in connection with, maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the promoter to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the promoter must serve notice of the intended entry on the owners and occupiers of the land.

(4) The promoter may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the promoter must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The promoter must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(8) Without prejudice to article 67 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the promoter takes possession of land under this article, it is not required to acquire the land or any interest in it.

(10) The powers of this article must not be exercised in relation to any street without the consent of the street authority, which must not be unreasonably withheld.

(11) Section 13 of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 27(1).

(12) In this article—

- (a) “building” includes any structure or other erection;
- (b) “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for public use; and
- (c) any reference to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of the point on the surface below which the work is situated.

Compensation

Disregard of certain interests and improvements

34.—(1) In assessing the compensation (if any) payable to any person on the acquisition from that person of any land under this Order, the tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land;

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Supplementary

Acquisition of part of certain properties

35.—(1) This article applies instead of section 8(1) of the 1965 Act (as applied by article 27 (application of Part 1 of the Compulsory Purchase Act 1965)) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or factory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the promoter a counter-notice objecting to the sale of the land subject to the notice to treat and stating that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner must sell only the land subject to the notice to treat is, unless the promoter agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house;

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house;

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice;

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the promoter is authorised to acquire compulsorily under this Order.

(8) If the promoter agrees to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the promoter is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the promoter may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, must pay to the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or factory or of land consisting of a house with a park or garden, the promoter must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Extinction or suspension of private rights of way

36.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the acquisition of the land by the promoter, whether compulsorily or by agreement; or
- (b) on the entry on the land by the promoter under section 11(1) of the 1965 Act;

whichever is sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by the promoter which is within the permanent limits and is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by the promoter.

(3) Subject to the provisions of this article, all private rights of way over land of which the promoter takes temporary possession under this Order are suspended and unenforceable for as long as the promoter remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers, etc.).

(6) Paragraphs (1), (2) and (3) have effect subject to—

(a) any notice given by the promoter before the completion of the acquisition of the land, the promoter's appropriation of it, the promoter's entry onto it or the promoter's taking temporary possession of it, as the case may be, that any or all of those paragraphs do not apply to any right of way specified in the notice; and

(b) any agreement made (whether before or after any of the events mentioned in subparagraph (a) and before or after the coming into force of this Order) between the promoter and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b) which is made with a person in or to whom the right of way is vested or belongs is expressed to have effect also for the benefit of those deriving title from or under the person, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Time limit for exercise of powers of acquisition

37.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

(a) no notice to treat is to be served under Part 1 of the 1965 Act, as applied to the acquisition of land under article 27 (application of Part 1 of the Compulsory Purchase Act 1965); and

(b) no declaration is to be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by article 28 (application of Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 32 (temporary use of land for construction of works) to enter upon and take temporary possession of land cease at the end of the period mentioned in paragraph (1); but nothing in this paragraph prevents the promoter from remaining in possession of land in accordance with article 33 (temporary use of land for maintenance of works) after the end of that period, if the land was entered and possession of it was taken before the end of that period.

PART 4

OPERATION OF TRAM SYSTEM

Power to operate and use tram system

38.—(1) The promoter may operate and use the authorised tram system and the other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Subject to paragraph (4) and article 48 (powers of disposal, agreements for operation, etc.), the promoter, for the purpose of operating the tram system, has the exclusive right—

(a) to use the rails, foundations, cables, masts, overhead wires and other apparatus used for the operation of the tram system; and

(b) to occupy any part of the street in which that apparatus is situated.

(3) Any person who, without the consent of the promoter or other reasonable excuse, uses the apparatus mentioned in paragraph (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) Nothing in this article restricts the exercise of any public right of way over any part of a street in which apparatus is situated in pursuance of paragraph (2) except to the extent that the exercise of the right is constrained by the presence of the apparatus.

Maintenance of approved works, etc.

39.—(1) Where pursuant to regulations^(a) made under section 41 of the 1992 Act (approval of works, plant and equipment) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the authorised tram system, such works, plant and equipment must not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the authorised tram system or detrimentally affect the safety of any other person.

(2) If without reasonable cause the provisions of paragraph (1) are contravened, the promoter is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings must be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

Power to charge fares

40. The promoter may demand, take and recover or waive such charges for carrying passengers or goods on the authorised tram system, or for any other services or facilities provided in connection with the operation of the authorised tram system, as it thinks fit.

Removal of obstructions

41.—(1) If any obstruction is caused to tramcars using the authorised tram system by a vehicle waiting, loading, unloading or breaking down on any part of the tram system, the person in charge of the vehicle must forthwith remove it; and if the person fails to do so the promoter may take all reasonable steps to remove the obstruction and may recover the expenses reasonably incurred in doing so from—

- (a) any person by whom the vehicle was put or left so as to become an obstruction to tramcars; or
- (b) any person who was the owner of the vehicle at that time unless that person shows that that person was not, at that time, concerned in or aware of the vehicle being so put or left.

(2) If any obstruction is caused to tramcars using the authorised tram system by a load falling on the tram system from a vehicle, the person in charge of the vehicle must forthwith remove the load from the tram system; and if the person fails to do so, the promoter may take all reasonable steps to remove the load and may recover the expenses reasonably incurred in doing so from—

- (a) any person who was in charge of the vehicle at the time when the load fell from it; or
- (b) any person who was the owner of the vehicle at that time unless the person shows that the person was not concerned in, or aware of, the vehicle being in the place at which the load fell from it.

(3) For the purposes of this article the owner of a vehicle is taken to be the person by whom the vehicle is kept; and in determining for those purposes who was the owner of the vehicle at any time, it is presumed (unless the contrary appears) that the owner was the person in whose name the vehicle was at that time registered under the Vehicles Excise and Registration Act 1994^(b).

(a) See S.I. 1994/157.

(b) 1994 c. 22.

Traffic signs

42.—(1) The promoter may, for the purposes of, or in connection with the operation of, the authorised tram system, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) of the 1984 Act or of a character authorised by the Secretary of State on any street in which the authorised tram system is laid or which gives access to such a street.

(2) The promoter—

- (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 of the 1984 Act, must enter into arrangements with the traffic authority for the signs 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 promoter as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) is 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 tram system is laid or which gives access to such a street must consult with the promoter as to the placing of any traffic sign which would affect the operation of the authorised tram system.

(5) Tramcars are public service vehicles for the purposes of section 122(2)(c) 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

43.—(1) Subject to the provisions of this article the promoter may, for the purposes of the authorised tram system, at any time prior to the expiry of 12 months from the opening of the system for public use—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 6 (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 6 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 6 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; and
- (d) permit or prohibit vehicular access in the manner specified in Part 4 of Schedule 6 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.

(2) Without prejudice to the specific powers conferred by paragraph (1) but subject to the provisions of this article the promoter 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 tram system, at any time prior to the expiry of 12 months from the opening of that system for public use—

- (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 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 promoter.

(3) The promoter must not exercise the powers of paragraphs (1) and (2) unless it has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention so to do 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 so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily;
- to the chief officer of police; and
- (b) advertised its intention in such manner as it considers appropriate.

(4) Any prohibition, restriction or other provision made by the promoter under paragraph (1) or (2) has effect as if duly made by, as the case may be—

- (a) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
- (b) the local authority in whose area the road is situated as an order under section 32 of the 1984 Act;

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 6) to which the prohibition, restriction or other provision is subject.

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the promoter 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 tram system for use.

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

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

Power to lop trees overhanging tram system

44.—(1) The promoter may fell or lop any tree or shrub near any part of the authorised tram system, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the tram system or any apparatus used for the purposes of the tram system; or
- (b) from constituting a danger to passengers or other persons using the tram system.

(2) In exercising the powers in paragraph (1), the promoter must not do unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Nothing in this article affects the application of any tree preservation order made under section 198 of the 1990 Act.

(4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

Trespass on tramroads

45.—(1) Any person who—

- (a) trespasses on any authorised tramroad; or

- (b) trespasses upon any land of the promoter in dangerous proximity to any authorised tramroad or to any electrical or other apparatus used for or in connection with the operation of the authorised tramroads;

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person is to be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass upon the tramroads was clearly exhibited and maintained at the stop on the authorised tram system nearest the place where the offence is alleged to have been committed.

Power to make byelaws

46.—(1) The promoter may make byelaws regulating the use and operation of, and travel on, the authorised tram system, the maintenance of order on the authorised tram system and on tram system premises or other facilities provided in connection with the authorised tram system and the conduct of all persons, including employees of the promoter, while on the authorised tram system or on tram system premises.

(2) Without limitation on the scope of paragraph (1), byelaws under this article may make provision—

- (a) with respect to tickets issued for travel on the authorised tram system, the payment of fares and charges and the evasion of payment of fares and charges;
- (b) with respect to interference with, or obstruction of, the operation of the authorised tram system or other facilities provided in connection with the authorised tram system;
- (c) with respect to access to and the carriage, use or consumption of anything on tram system premises;
- (d) with respect to the prevention of nuisances on tram system premises;
- (e) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within tram system premises;
- (f) for the safe custody and re-delivery or disposal of any property accidentally left on tram system premises and for fixing the charges made in respect of any such property;
- (g) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any part of the authorised tram system or on tram system premises; and
- (h) subject to article 18(5)(a), for regulating (but not requiring) the maintenance of the facades of buildings to which any equipment has been attached pursuant to article 18 (attachment of equipment to buildings) or which front onto the authorised tram system.

(3) In paragraphs (1) and (2) references to “tram system premises” are references to premises of the promoter used for or in connection with the operation of the authorised tram system including any depot or building and any tramcar.

(4) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (4), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public, or hindrance to the promoter in the operation of the tram system, the promoter may summarily take action to obviate or remove the danger, annoyance or hindrance.

(6) Before making any byelaws under this article the promoter must consult Blackpool Borough Council on the proposed byelaws.

(7) Byelaws under this article do not come into operation until they have been confirmed by the Secretary of State.

(8) At least 28 days before applying for any byelaws to be confirmed under this article, the promoter must publish in such manner as may be approved by the Secretary of State a notice of its

intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(9) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws must be kept at the principal office of the promoter and must at all reasonable hours be open to public inspection without payment.

(10) The promoter must, at the request of any person, supply the person with a copy of any such byelaws on payment of such reasonable sum as the promoter may determine.

(11) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws come into operation; and if no date is so fixed the byelaws come into operation after the expiry of 28 days after the date on which they were confirmed.

(12) The Secretary of State may charge the promoter such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purpose of defraying any administrative expenses incurred by the Secretary of State in connection therewith.

(13) A copy of the byelaws when confirmed must be printed and deposited at the principal office of the promoter and must at all reasonable hours be open to public inspection without payment, and the promoter must, at the request of any person, supply the person with a copy of any such byelaws on payment of such reasonable sum as the promoter may determine.

(14) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by the promoter stating—

- (a) that the byelaws were made by the promoter;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation;

is prima facie evidence of the facts stated in the certificate.

(15) In this article, “building” includes any structure and a bridge or aqueduct.

Power to contract for police services

47.—(1) The promoter may enter into any agreement with a local policing body and its chief officer for the police force maintained by that authority to provide policing services for or in connection with the authorised tram system, including at any tram system premises.

(2) Any such agreement may provide for—

- (a) the promoter 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^(a) or the Chief Constable of the British Transport Police Force;
- (b) “local policing body” means a local policing body within the meaning of that Act or the British Transport Police Authority within the meaning of the Railways and Transport Safety Act 2003^(b); and

(a) 1996 c. 16.

(b) 2003 c. 20.

- (c) “tram system premises” means any premises of the promoter used for or in connection with the operation of the authorised tram system, including the operations and control centre, any other building and any tramcar.

Powers of disposal, agreements for operation, etc.

48.—(1) The promoter may, with the consent of the Secretary of State, sell, lease, charge or otherwise dispose of, on such terms and conditions as it thinks fit, the whole or any part of the authorised works and any land held in connection therewith or the right to operate the authorised works under this Order.

(2) Without limitation on the scope of paragraph (1), the promoter may enter into and carry into effect agreements with respect to any of the following matters, namely, the construction, maintenance, use and operation of the authorised works, or any part or parts of them, by any other 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 promoter or any other person.

(3) Any agreement under subsection (2) may provide among other things, for the exercise of the powers of the promoter in respect of the authorised works or any part or parts thereof, and for the transfer to any person of the authorised works or any part or parts thereof together with the rights and obligations of the promoter 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 paragraph (1), or any agreement under paragraph (2), is subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by the promoter.

Application of landlord and tenant law

49.—(1) This article applies to any agreement for leasing to any person the whole or any part of the authorised tram system or the right to operate the same, and any agreement entered into by the promoter with any person for the construction, maintenance, use or operation of the authorised tram system, or any part of it, so far as any such agreement relates to the terms on which 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 prejudices the operation of any agreement to which this article applies.

(3) Accordingly no such enactment or rule of law applies 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.

Tramcars deemed public service vehicles

50.—(1) On such day as may be appointed under paragraph (2), regulations made, or having effect as if made, under sections 24, 25 or 60(1)(j) or (k) of the Public Passenger Vehicles Act 1981^(a) has effect as if the tramcars used on the authorised tram system were public service vehicles used in the provision of a local service within the meaning of the Transport Act 1985.

(a) 1981 c. 14.

(2) The promoter may by resolution appoint a day for the purpose of any regulation mentioned in paragraph (1), the day so appointed being fixed in accordance with paragraph (3).

(3) The promoter must publish in a newspaper circulating in its area, notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the enactments for the purposes of which the day has been fixed;

and the day so fixed must not be earlier than the expiration of 28 days from the date of the publication of the notice.

(4) A photostatic or other reproduction certified by the Chief Executive of the promoter to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in sub-paragraph (b) is evidence of the publication of the notice and of the date of publication.

Substitute road services

51.—(1) The promoter may provide or secure the provision by other persons of services for the carriage of passengers by road (“substitute services”) where the tram 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(a) does not apply to any substitute services.

PART 5

PENALTY FARES

Interpretation of Part 5

52.—(1) In this Part, unless the context otherwise requires—

“authorised person” means, in relation to any purpose, a person authorised for that purpose by the promoter;

“fare ticket” means a ticket authorising the person in respect of whom it is issued to travel on a tramcar;

“general travel authority” means any permit, other than a fare ticket, authorising the person in respect of whom it is issued to travel on a tramcar;

“penalty fare” means a penalty fare payable pursuant to article 54 (penalty fares);

“the penalty fare provisions” means articles 52 to 59; and

“tram system stop” means a station or other regular stopping place on the authorised tram system at which passengers may get on or off tramcars.

(2) Any reference in this Part to a person producing a fare ticket or general travel authority on being required to do so by an authorised person is a reference to producing, when so required, a fare ticket or general travel authority which, either by itself or together with any other document produced by that person at the same time, is valid for the journey the person has made.

(3) For the purposes of paragraph (2), a person who is on a tramcar is taken to have made a journey ending at the next scheduled tram system stop.

(a) 1985 c. 67.

Operation of Part 5

53.—(1) The penalty fare provisions have effect in relation to travel on any tramcar on and after such day as the Secretary of State may specify.

(2) On the application of the promoter, or if the Secretary of State suspects on reasonable grounds that the promoter is not complying with the requirements of this Part, the Secretary of State may provide that the penalty fare provisions cease to have effect on and after such day as the Secretary of State may specify.

(3) Paragraph (2) is without prejudice to the power of the Secretary of State to specify further days on and after which the penalty fare provisions have effect.

(4) Any day specified by the Secretary of State for the purposes of paragraph (1) or (2) must be published in a newspaper circulating in the promoter's area not later than one week before that date.

(5) No day may be specified under paragraph (1) except at the request of the promoter.

Penalty fares

54.—(1) If a person travelling on a tramcar, on being required to do so by an authorised person, fails to produce a fare ticket or a general travel authority, the person travelling is liable to pay a penalty fare if required to do so by an authorised person.

(2) A person is not liable to pay a penalty fare if at the tram system stop where, and the time when, the person boarded the tramcar and if on the tramcar there were no facilities for the sale of the necessary fare ticket for the person's journey.

(3) Paragraphs (4) and (5) have effect with respect to the burden of proof in any action for the recovery of a penalty fare under this article so far as concerns the question whether the facts of the case fall within paragraph (2).

(4) In any case where the defendant has provided the plaintiff with a relevant statement in due time it is for the plaintiff to show that the facts of the case do not fall within paragraph (2), and in any other case it is for the defendant to show that the facts of the case fall within that provision.

(5) For the purposes of paragraph (4)—

- (a) a relevant statement is a statement giving an explanation of the defendant's failure to produce a fare ticket or general travel authority, together with any information as to the defendant's journey relevant to that explanation (including, in every case, an indication of the tram system stop where the defendant boarded the tramcar); and
- (b) a statement is provided in due time if it is provided when the defendant is required to produce a fare ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

Amount of penalty fare

55.—(1) Subject to paragraph (2), a penalty fare is £20 and is payable to the promoter before the expiration of the period of 21 days beginning with the day following the day on which the journey in respect of which it is payable is completed.

(2) The promoter may from time to time vary the amount of the penalty fare provided that—

- (a) the consent of the Secretary of State is obtained in writing to such a variation; and
- (b) a notice stating the amount of the penalty fare as so varied is published in a newspaper circulating in the promoter's area not later than 28 days before the day on which the penalty fare, as so varied, is to take effect.

Document to be issued in connection with penalty fare requirement

56.—(1) An authorised person who requires a person (referred to below as “the passenger”) to pay a penalty fare must give the person either a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person) or a notice stating that the requirement has been made.

(2) A receipt or notice given under paragraph (1) must specify the passenger’s destination on the tramcar on which the passenger is travelling when required to pay the penalty fare, and operates as an authority to the passenger to complete the passenger’s journey to that destination.

(3) For the purposes of paragraph (2), the passenger’s destination is (unless only one destination is possible in the circumstances) taken to be the destination stated by the passenger or, in default of any statement by the passenger identifying the passenger’s destination, such destination as may be specified by the authorised person.

Notice of penalty fare provisions

57.—(1) It is the duty of the promoter to secure that a warning notice meeting the requirements of paragraph (2) is posted—

- (a) at every tram system stop, in such a position as to be readily visible to prospective passengers; and
- (b) in every tramcar, in such a position as to be readily visible to passengers travelling on that tramcar.

(2) A warning notice posted pursuant to paragraph (1) must (however expressed) indicate the circumstances (as provided in article 54 (penalty fares)) in which persons travelling on a tramcar may be liable to pay a penalty fare and state the amount of the penalty fare.

Supplementary provisions

58.—(1) A person who is required to pay a penalty fare must, unless the person pays, immediately and in cash, the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that authorised person requires the person to do so, the person’s name and address; and any person failing to do so is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Where an authorised person requires any person to do anything pursuant to any provision of this Order the authorised person must, if so requested by the person concerned, produce to that person a duly authenticated document showing the authorised person’s authority; and a requirement by an authorised person is of no effect if, as respects that requirement, the authorised person fails to comply with this paragraph.

Exclusion of double liability

59.—(1) Where a person has become liable to pay a penalty fare in respect of any journey (referred to below as “the relevant journey”), no proceedings may be brought against the person for either of the offences specified in paragraph (2) before the end of the period mentioned in article 59(1); and no such proceedings may be brought after the end of that period if—

- (a) the person has paid the penalty fare to the promoter before the end of that period; or
- (b) an action has been brought against the person for the recovery of that fare.

(2) The offences mentioned in paragraph (1) are—

- (a) any offence under byelaws made under article 46 (power to make byelaws) involving a failure to obtain or produce a fare ticket or general travel authority for the relevant journey; and

- (b) any offence under section 25(3) of the Public Passenger Vehicles Act 1981^(a) of contravening or failing to comply with any provision of regulations for the time being having effect by virtue of that section by failing to pay the fare properly payable for the relevant journey or any part of it.

(3) If proceedings are brought against any such person for any such offence the person ceases to be liable to pay the penalty fare and, if the person has paid it, the promoter is liable to repay to the person an amount equal to the amount of that fare.

PART 6

PROTECTIVE PROVISIONS

Minerals

60. Nothing in this Order affects the right of any person entitled to any mine or minerals of any description whatsoever under a street along which any authorised street tramway is laid to work the mine or get the minerals; but this does not affect any liability (whether civil or criminal) of the person so entitled in respect of damage to the authorised street tramway resulting from the exercise of any such right.

Saving for highway authorities

61. Nothing in this Order affects any power of a highway authority to widen, alter, divert or improve any highway along which a street tramway is laid.

Statutory undertakers, etc.

62. The provisions of Schedule 7 (provisions relating to statutory undertakers, etc.) have effect.

PART 7

MISCELLANEOUS AND GENERAL

Disclosure of confidential information

63. A person who—

- (a) enters a factory, workshop or workplace in pursuance of the provisions of article 20 (safeguarding works to buildings) or article 23 (power to survey and investigate land, etc.); and
- (b) discloses to any other person any information obtained by the person relating to any manufacturing process or trade secret;

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of performing the person's duty in connection with the purposes for which the person was authorised to enter the land.

Defence to proceedings in respect of statutory nuisance

64.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990^(b) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so

(a) 1981 c. 14.
(b) 1990 c. 43.

as to be prejudicial to health or a nuisance) no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works and that the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974^(a); or
- (b) that the nuisance is a consequence of the operation of the works authorised by this Order and that it cannot reasonably be avoided.

(2) The following provisions of the Control of Pollution Act 1974, namely—

- (a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990); and
- (b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded);

do not apply where the consent relates to the use of premises by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) The provisions of this article are without prejudice to any rule of common law having similar effect.

Certification of plans, etc.

65. The promoter must, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited plans and the traffic regulation plan to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the deposited plans and the traffic regulation plan referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

66.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(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^(b) as it applies for the purposes of this article, the proper address of any person in relation to the service on the person of a notice or document under paragraph (1) is, if the person has given an address for service, that address, and otherwise—

- (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 person's last known address 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 person's name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to the 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.

(a) 1974 c. 40.

(b) 1978 c. 30.

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

No double recovery

67. Compensation is not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Arbitration

68. Unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) is to 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) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State

Martin Woods
Head of the Transport and Works Act Orders Unit
Department for Transport

Date 201[]

SCHEDULES

SCHEDULE 1

Article 6

SCHEDULED WORKS

<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No.1	A tramway 422 metres in length (double line), commencing on the existing Blackpool Tramway at the existing turnouts to the south of North Pier, before turning east to cross the Promenade (A584) and continuing in an easterly direction through a remodelled Talbot Square. The Work continues in a north-easterly direction running within the carriageway of Talbot Road terminating at the rear of the north-eastern footway flanking the Talbot Road/Dickson Road/Topping Street junction.
Work No.2	A tramway 88 metres in length (double line), commencing at the existing turnouts to the north of North Pier, before turning east to cross the Promenade (A584) and continuing in an easterly direction through a remodelled Talbot Square. The Work terminates at its intersection with Work No.1.
Work No.3	A tramroad 110 metres in length (double line), commencing at the termination of Work No.1 running north and then north-east through a development site bounded by Queen Street, High Street, Talbot Road and Dickson Road terminating at the proposed tram stop to the southwest of High Street.

SCHEDULE 2

Article 9

STREETS SUBJECT TO ALTERATION OF LAYOUT

Key to Schedule 2

- RS Realignment of street
- WS Widening of street by setting back of kerb line
- NS Narrowing of street by setting forward of kerb line
- PB Creation of loading/parking/taxi bay

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Promenade	Realign the street between RS01 and RS02 to accommodate the tramway and revised junction with Talbot Square.
Talbot Square	Realign the street between RS03 and RS04 to accommodate the tramway, a new tram stop (Talbot Square) and revised junctions with The Strand, Talbot Road, Market Street, Corporation Street and Clifton Street.
Market Street	Realign the street between RS05 and RS06 to accommodate the revised junction with Talbot Square.
Corporation Street	Realign the street between RS07 and RS08 to accommodate the revised junction with Talbot Square and Clifton Street.
Clifton Street	Realign the street between RS09 and RS10 to accommodate the revised junction with Talbot Square and Corporation Street.
The Strand	Realign the street between RS11 and RS12 to accommodate the revised junction with Talbot Square.
Talbot Road	Realign the street between RS13 and RS14 to accommodate the tramway, a new tram stop (Talbot Square) and revised junction with Talbot Square.
Talbot Road	Narrow the street between NS01 and NS02 to accommodate the tramway, parking and loading bays and the revised junctions with Abingdon Street, Dickson Road and Topping Street.
Talbot Road	Create a loading/parking/taxi bay between PB01 and PB02.
Talbot Road	Create a loading/parking bay between PB03 and PB04.
Abingdon Street	Realign the street between RS15 and RS16 to accommodate the revised junction with Talbot Road.
Dickson Road	Realign the street between RS17 and RS18 to accommodate the revised junction with Talbot Road.
Topping Street	Realign the street between RS19 and RS20 to accommodate the revised junctions with Talbot Road and Deansgate.
Cookson Street	Realign the street between RS21 and RS22 to accommodate the revised junction with Deansgate.
Deansgate	Widen the street between WS01 and WS02 to accommodate the revised junction with Cookson Street.

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Deansgate	Narrow the street between NS03 and NS04 to accommodate the revised junctions with East Topping Street and Topping Street.

SCHEDULE 3

Article 12

STREETS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Promenade	At its junction with Talbot Square.
Talbot Square	Between its junction with Promenade and its junction with Talbot Road/Corporation Street.
Market Street	At its junction with Talbot Square.
Corporation Street	Between its junction with Cheapside and its junction with Talbot Square/Talbot Road.
Clifton Street	At its junction with Corporation Street.
The Strand	At its junction with Talbot Square.
Talbot Road	Between its junction with Talbot Square/Corporation Street and its junction with Cookson Street.
Abingdon Street	At its junction with Talbot Road.
Dickson Road	At its junction with Talbot Road.
Topping Street	Between its junctions with Deansgate and Talbot Road.
Cookson Street	Between its junctions with George Street and Talbot Road.
High Street	Between its junctions with Talbot Road and Springfield Road.

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” substitute “a right over land is purchased”; and
- (b) for the words “acquired or taken from him” substitute “over which the right is exercisable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) substitute “a right over land consisting”;
- (b) for the word “severance” substitute “right over the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” substitute “right proposed”; and
- (d) for the words “part is” substitute “right is”.

Adaptation of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is or is to be exercisable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) substitute the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from

(a) 1973 c. 26.

other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

5. For section 8 of the 1965 Act (provisions as to divided land) substitute the following—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question the person satisfies the tribunal that the person has an interest which the person is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the Blackpool Tramway (Blackpool North Extension) Order 201[] (“the Order”), in relation to that person, ceases to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section is determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey),
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity),
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners), and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act is modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that

section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

9. Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) is modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 5

Article 32

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Schedule work</i>
The Promenade (A584)	6 & 7	Highways works	Work No.2
Market Street	18 & 19	Highways works	Work Nos. 1 & 2
The Strand	21, 22, 23 & 24	Highways works	Work No.1
Corporation Street	29 & 30	Highways works	Work No.1
Clifton Street	34, 35 & 37	Highways works	Work No.1
Talbot Road	46	Highways works	Work No.1
Abingdon Street (south of Talbot Road)	49 & 51	Highways works	Work No.1
Abingdon Street (north of Talbot Road)	53, 54, 55 & 56	Highways works	Work No.1
Talbot Road	68	Highways works	Work No.1
Dickson Road	71 & 73	Highways works	Work No.1
Talbot Road	77, 78 & 79	Highways works	Work No.1
Topping Street	83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93 & 94	Highways works	Work No.1
Deansgate	82, 96, 97, 98 & 99	Highways works	Work No.1
Cookson Street	101	Highways works	Work No.1
Deansgate/Cookson Street/Talbot Road (Bickerstaffe Square)	100	Highways works	Work No.1

SCHEDULE 6

Article 43

TRAFFIC REGULATION

Interpretation

In column (1) of each of the tables below, the number refers to the relevant traffic regulation reference number shown on the traffic regulation plan. In the event of there being any discrepancy between a provision in this Schedule and the illustration of that provision shown on the traffic regulation plan, this Schedule shall prevail.

PART 1

STOPPING, WAITING, LOADING OR UNLOADING

(1) No waiting at any time

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
TAS-1.1	Talbot Square	Northern side from the road centre line of Promenade in an easterly direction to its junction with Talbot Road.	To maintain vehicular flow.
TAS-1.2	Talbot Square	Southern side from the road centre line of Promenade in an easterly direction to the road centre line of Market Street.	To maintain vehicular flow.
TAS-1.3	Talbot Square	Southern side from the road centre line of Market Street in an easterly direction to the road centre line of Corporation Street.	To maintain vehicular flow.
CLI-1.1	Clifton Street	North-western side from a point 6 metres west of eastern building line of No.1 Clifton Street in a westerly direction to its junction with Talbot Square/Talbot Road.	To maintain vehicular flow.
TAL-1.1	Talbot Road	North-western side from its junction with Talbot Square in a north-easterly direction to the road centre line of Dickson Road.	To maintain vehicular flow.
TAL-1.2	Talbot Road	South-eastern side from a point 97.8 metres south west of the property boundary of Nos. 36–38 and 42–44 Talbot Road in a south-westerly direction to the road centre line of Talbot Square.	Aligns the existing restriction with the proposed changes to the highway layout.
TAL-1.3	Talbot Road	South-eastern side from the property boundary of Nos. 36–38 and 42–44 Talbot Road in a north-easterly direction to a point 4 metres north east of the north-eastern building line to No.48 Talbot Road.	Aligns the existing restriction with the proposed changes to the highway layout.
TAL-1.4	Talbot Road	South-eastern side from a point 44.7 metres north east of the north-eastern building line to No.48 Talbot Road in a	To maintain vehicular flow.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		north-easterly direction to the road centre line of Topping Street.	
ABI-1.1	Abingdon Street	South-western side from a point 12 metres north west of the south-eastern building line of No.55 Abingdon Street in a north-westerly direction to a point 28 metres north west of the south-eastern building line to No.23 Talbot Road.	Aligns the existing restriction with the proposed changes to the highway layout.
ABI-1.2	Abingdon Street	North-eastern side from a point 44.6 metres north west of the southern building line of No.40 Abingdon Street in a north-westerly direction to a point 29 metres north west of the south-eastern building line to No.25 Talbot Road.	Aligns the existing restriction with the proposed changes to the highway layout.
MAR-1.1	Market Street	Western side from a point 36 metres south of the northern building line to the Clifton Hotel in a northerly direction to the road centre line of Talbot Square.	Aligns the existing restriction with the proposed changes to the highway layout.
COR-1.1	Corporation Street	Western side from a point 30 metres north of the southern building line to the Municipal Building in a north-westerly direction to the road centre line of Talbot Square.	Aligns the existing restriction with the proposed changes to the highway layout.
COR-1.2	Corporation Street	Eastern side from a point 4 metres north of the southern building line to No.20 Corporation Street in a north-westerly direction to the road centre line of Clifton Street.	Aligns the existing restriction with the proposed changes to the highway layout.

(2) No loading at any time

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAS-3.1	Talbot Square	Northern side from the road centre line of Promenade in an easterly direction to its junction with Talbot Road.	To maintain vehicular flow.
TAS-3.2	Talbot Square	Southern side from the road centre line of Promenade in an easterly direction to the road centre line of Market Street.	To maintain vehicular flow.
TAS-3.3	Talbot Square	Southern side from the road centre line of Market Street in an easterly direction to the road centre line of Corporation Street.	To maintain vehicular flow.
CLI-3.1	Clifton Street	North-western side from a point 6 metres west of eastern building line of No.1 Clifton Street in a westerly direction to its junction with Talbot Square/Talbot Road.	To maintain vehicular flow.
TAL-3.1	Talbot Road	North-western side from its junction with Talbot Square in a north-easterly direction to the road centre line of	To maintain vehicular flow.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		Dickson Road.	
TAL-3.2	Talbot Road	South-eastern side from a point 97.8 metres south west of the property boundary of Nos. 36 –38 and 42–44 Talbot Road in a south-westerly direction to the road centre line of Talbot Square.	To maintain vehicular flow.
TAL-3.3	Talbot Road	South-eastern side from the property boundary of Nos. 36–38 and 42–44 Talbot Road in a north-easterly direction to a point 4 metres north east of the north-eastern building line to No.48 Talbot Road.	To maintain vehicular flow.
TAL-3.4	Talbot Road	South-eastern side from a point 44.7 metres north east of the north-eastern building line to No.48 Talbot Road in a north-easterly direction to the road centre line of Topping Street.	To maintain vehicular flow.
ABI-3.1	Abingdon Street	South-western side from a point 12 metres north west of the south-eastern building line of No.55 Abingdon Street in a north-westerly direction to a point 8 metres northwest of the south-eastern building line to No.23 Talbot Road.	Aligns the existing restriction with the proposed changes to the highway layout.
ABI-3.2	Abingdon Street	North-eastern side from a point 44.6 metres north west of the southern building line of No.40 Abingdon Street in a north-westerly direction to a point 9 metres north west of the south-eastern building line to No.25 Talbot Road.	Aligns the existing restriction with the proposed changes to the highway layout.
MAR-3.1	Market Street	Western side from a point 8 metres south of the northern building line to the Clifton Hotel in a northerly direction to the road centre line of Talbot Square.	Aligns the existing restriction with the proposed changes to the highway layout.
COR-3.1	Corporation Street	Western side from a point 30 metres north of the southern building line to the Municipal Building in a north-westerly direction to the road centre line of Talbot Square.	Aligns the existing restriction with the proposed changes to the highway layout.
COR-3.2	Corporation Street	Eastern side from a point 4 metres north of the southern building line to No.20 Corporation Street in a north-westerly direction to the road centre line of Clifton Street.	Aligns the existing restriction with the proposed changes to the highway layout.

(3) Loading restricted to specified times

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
ABI-4.1	Abingdon Street	North-eastern side from a point 9 metres north west of the south-eastern building line to No.25 Talbot Road in a north-westerly direction for a distance of 20 metres. Loading/unloading permitted 8am to 6pm restricted to 15 minutes only with no return within 30 minutes.	Aligns the existing loading bay provision with the proposed changes to the highway layout.
ABI-4.2	Abingdon Street	South-western side from a point 8 metres north west of the south-eastern building line to No.23 Talbot Road in a north-westerly direction for a distance of 20 metres. Loading/unloaded permitted 7am to 10am [restricted to 15 minutes only with no return within 30 minutes.].	Aligns the existing loading bay provision with the proposed changes to the highway layout.
MAR-4.1	Market Street	Western side from a point 8 metres south of the northern building line to the Clifton Hotel in a southerly direction for 28 metres. Loading/unloading permitted 8am to 6pm restricted to 15 minutes only with no return within 30 minutes.	Aligns the loading bay with the proposed changes to the highway layout.

(4) Taxi Clearway

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAL-27.1	Talbot Road	South-eastern side from a point 40.8 metres to the south west of the property boundary of Nos. 36–38 and 42–44 Talbot Road in a south-westerly direction for a distance of 33 metres. Operational 6pm to midnight and midnight to 8am.	Aligns the existing night time taxi bay provision with the proposed changes to the highway layout.
TAL-27.2	Talbot Road	South-eastern side from a point 73.8 metres to the south west of the property boundary of Nos. 36–38 and 42–44 Talbot Road in a south-westerly direction for a distance of 24 metres. At any time.	Re-provides taxi bay displaced on northern side of Talbot Road by the tramway.
MAR-27.1	Market Street	Western side from a point 8 metres south of the northern building line to the Clifton Hotel in a southerly direction for 28 metres. Operational 6pm to midnight and midnight to 8am.	Aligns the taxi bay provision with the proposed changes to the highway layout.

PART 2
PARKING PLACES

(5) Pay & Display Parking

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
ABI-6.1	Abingdon Street	North-eastern side from a point 35.6 metres north west of the south-eastern building line to No.25 Talbot Road in a north-westerly direction for a distance of 19.4 metres. Pay and display parking bay operational 8am to 6pm. Waiting limited to 20, 30, 40, 50, 60 or 90 minutes and in all cases no return within 3 hours.	Aligns and extends the existing pay and display parking bay provision with the proposed changes to the highway layout.
ABI-6.2	Abingdon Street	South-western side from a point 8 metres north west of the south-eastern building line to No.23 Talbot Road in a north-westerly direction for a distance of 20 metres. Pay and display parking bay operational 10am to 6pm. Waiting limited to 20, 30, 40, 50, 60 or 90 minutes and in all cases no return within 3 hours.	Aligns the existing pay and display parking bay provision with the proposed changes to the highway layout.
ABI-6.3	Abingdon Street	South-western side from a point 28 metres north west of the south-eastern building line to No.23 Talbot Road in a north-westerly direction for a distance of 18 metres. Pay and display parking bay operational 8am to 6pm. Waiting limited to 20, 30, 40, 50, 60 or 90 minutes and in all cases no return within 3 hours.	Aligns and extends the existing pay and display parking bay provision with the proposed changes to the highway layout.

(6) Disabled Persons Parking Place

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAL-7.1	Talbot Road	South-eastern side from a point 21 metres to the south west of the property boundary of Nos. 36–38 and 42–44 Talbot Road in a south-westerly direction for a distance of 19.8 metres. At any time restricted to 3 hours only with no return within 6 hours.	Aligns the existing disabled parking provision with the proposed changes to the highway layout.
TAL-7.2	Talbot Road	South-eastern side from a point 40.8 metres to the south west of the property boundary of Nos. 36–38 and 42–44 Talbot Road in a south-westerly direction for a distance of 33 metres. Operational between 8am to 6pm restricted to 3 hours only with no return within 6 hours.	Aligns disabled parking provision with the proposed changes to the highway layout.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAL-7.3	Talbot Road	South-eastern side from a point 31.5 metres north east of the building line to No.48 Talbot Road in a north-easterly direction for a distance of 13.2 metres. At any time restricted to 3 hours only with no return within 6 hours.	Aligns disabled parking provision with the proposed changes to the highway layout.
MAR-7.1	Market Street	Western side from a point 36 metres south of the northern building line to the Clifton Hotel in a southerly direction for 36 metres. Operational between 8am to 6pm restricted to 3 hours only with no return within 6 hours.	Aligns the existing disabled parking provision with the proposed changes to the highway layout.
ABI-7.1	Abingdon Street	North-eastern side from a point 38 metres north west of the southern building line of No.40 Abingdon Street in a north-westerly direction for a distance of 6.6 metres. At any time restricted to 3 hours only with no return within 6 hours.	Aligns the disabled parking provision with the proposed changes to the highway layout.
ABI-7.2	Abingdon Street	North-eastern side from a point 29 metres north west of the south-eastern building line to No.25 Talbot Road in a north-westerly direction for a distance of 6.6 metres. At any time restricted to 3 hours only with no return within 6 hours.	Aligns the disabled parking provision with the proposed changes to the highway layout.

(7) Goods Vehicle Loading Bay

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAL-11.1	Talbot Road	Part of the footway on the north-western side bounded on its southern side by the northern kerb line and having a width of 2 metres throughout from a point 6 metres south west of the north-eastern building line to the Sacred Heart Church in a south-westerly direction for a distance of 38 metres. Restricted to use by processional vehicles accessing the Sacred Heart Church.	To provide appropriate servicing provision for the Sacred Heart Church.
TAL-11.2	Talbot Road	Part of the footway on the north-western side bounded on its southern side by the northern kerb line and having a variable width throughout (maximum 3 metres) from a point 14 metres south west of the property boundary of Nos. 67 and 69–71 Talbot Road in a north-easterly direction for a distance of 30 metres. Loading/unloading permitted 6:15pm to midnight and midnight to 10:30am	To provide appropriate servicing provision, predominately for the Imperial Public House.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		restricted to 30 minutes only with no return within 1 hour.	
TAL-11.3	Talbot Road	South-eastern side from the property boundary of Nos. 36–38 and 42–44 Talbot Road in a south-westerly direction for a distance of 21 metres. Loading/unloading at any time restricted to 15 minutes only with no return within 30 minutes.	Aligns the existing loading bay provision with the proposed changes to the highway layout.
TAL-11.4	Talbot Road	South-eastern side from a point 4 metres north east of the north-eastern building line to No.48 Talbot Road in a north-easterly direction for a distance 27 metres. Loading/unloading permitted at any time restricted to 15 minutes only with no return within 30 minutes.	Aligns the existing restriction with the proposed changes to the highway layout.

PART 3

DIRECTION OF TRAFFIC

(8) One Way

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
MAR-16.1	Market Street	One-way traffic in a southbound direction from its junction with Talbot Square to its junction with Church Street.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstructions.
COR-16.1	Corporation Street	One-way traffic in a north-westbound direction from its junction with Church Street to its junction with Talbot Square.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstructions.
CLI-16.1	Clifton Street	One-way traffic in an eastbound direction from its junction with Talbot Square/Corporation Street to its junction with Abingdon Street.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstructions.
ABI-16.1	Abingdon Street	One-way traffic in a north-westbound direction from its junction with Clifton Street to its junction with Queen Street.	To assist traffic flow and prevent hazardous traffic movements and possible

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
			carriageway obstructions.
DEA-16.1	Deansgate	One-way traffic in a south-westbound direction from its junction with East Topping Street to its junction with Topping Street.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstructions.
TOP-16.1	Topping Street	One-way traffic in a north-westbound direction from its junction with Deansgate to its junction with Talbot Road.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstructions.

(9) Prescribed Movement

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAS-20.06.01	Talbot Square	Ahead only in an eastbound direction at its junction with Talbot Road/Corporation Street/Clifton Street.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstructions.

PART 4

VEHICULAR ACCESS

(10) Prohibition of Driving

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAS-17.1	Talbot Square	Prohibition of driving 24 hours except tramcars, pedal cycles, emergency vehicles and with the consent of Blackpool Borough Council the paved area of Talbot Square bounded on the western side by the eastern kerb line of Promenade, on the northern and eastern sides by the southern and eastern building line of No.10 Talbot Square (the Counting House Public House) respectively and on the southern side by the northern kerb line of Talbot Square.	To prevent hazardous traffic movements and vehicles encroaching on the tram route except authorised vehicles.
TAS-17.2	Talbot Square	Prohibition of driving 24 hours except tramcars, pedal cycles, emergency vehicles and with the consent of Blackpool Borough Council the paved area of Talbot Square bounded on the	To prevent hazardous traffic movements and vehicles encroaching on the

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		western and northern sides by the western and southern building line of Nos. 1 to 5 Talbot Square respectively, on the eastern side the south-western building line of Nos. 7 and 9 Talbot Square and on the southern side by the northern kerb line of the Talbot Square.	tram route except authorised vehicles.
TAL-17.1	Talbot Road	Prohibition of driving 24 hours except tramcars, pedal cycles and emergency vehicles north-eastern side of the carriageway from its junction with Talbot Square in a north-easterly direction to the south western side of the private means of access to the Sacred Heart Church.	To prevent hazardous traffic movements and vehicles encroaching on the tram route except authorised vehicles.
TAL-17.2	Talbot Road	Prohibition of driving 24 hours except tramcars, pedal cycles, emergency vehicles and for access to the on footway loading bay to the Sacred Heart Church when approached from the north east direction the north-eastern side of the carriageway from the private means of access to the Sacred Heart Church to its junction with Abingdon Street.	To prevent hazardous traffic movements and vehicles encroaching on the tram route except authorised vehicles.

(11) Prohibition of Movement

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAS-20.02.1	Talbot Square	No entry except tramcars, pedal cycles, emergency vehicles and with the consent of Blackpool Borough Council in an easterly direction onto the paved area of Talbot Square (to the east of Promenade) bounded on the western side by the eastern kerb line of Promenade, on the northern, and eastern sides by the southern and eastern building line of No.10 Talbot Square (the Counting House Public House) respectively and on the southern side by the northern kerb line of Talbot Square.	To prevent hazardous traffic movements and vehicles encroaching on the tram route.
TAS-20.02.2	Talbot Square	No entry in a northerly direction onto the Strand from Talbot Square.	To prevent hazardous traffic movements and vehicles encroaching on the tram route.
TAS-20.02.3	Talbot Square	No left turn from Talbot Square onto Talbot Road.	To prevent hazardous traffic movements.

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
TAS-20.02.4	Talbot Square	No right turn from Talbot Square onto Corporation Street.	To prevent hazardous traffic movements.
TAL-20.02.1	Talbot Road	No entry except tramcars, pedal cycles, emergency vehicles and with the consent of Blackpool Borough Council in a south-westerly direction onto the paved area of Talbot Square bounded on the western and northern sides by the western and southern building line of Nos. 1 to 5 Talbot Square respectively, on the eastern side by the south western building line of Nos. 7 and 9 Talbot Square and on the southern side by the northern kerb line of the Talbot Square carriageway.	To prevent hazardous traffic movements and vehicles encroaching on the tram route.
TAL-20.02.2	Talbot Road	No left turn from the private means of access to the Sacred Heart Church onto Talbot Road.	To prevent hazardous traffic movements and vehicles encroaching on the tram route.
TAL-20.02.3	Talbot Road	No entry except tramcars in a north-easterly direction onto the tramway (Work No.1) to the north east of Talbot Road at its junction with Dickson Road and Topping Street.	To prevent hazardous traffic movements and vehicles encroaching on the tram route.
ABI-20.02.1	Abingdon Road	No right turn from Abingdon Street onto Talbot Road except buses, taxis, pedal cycles and access for servicing the Imperial Public House.	To maintain vehicular flow.
COO-20.02.1	Cookson Street	No left turn from Cookson Street onto Talbot Road except for buses, taxis and pedal cycles.	To maintain vehicular flow.
DEA-20.02.1	Deansgate	No right turn from Deansgate onto Cookson Street.	To maintain vehicular flow.
DEA-20.02.2	Deansgate	No left turn from the service access to Nos. 2 to 10 Topping Street onto Deansgate.	To maintain vehicular flow.

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 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers, etc. to remove or re-site apparatus) apply in relation to any land acquired under this Order, or which is held by the promoter and is appropriated or used (or about to be used) by it for the purposes of the Order or purposes connected therewith, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the promoter compensation in respect of expenditure reasonably incurred by the person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) does not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that sub-paragraph, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer;

is entitled to recover from the promoter compensation in respect of expenditure reasonably incurred by the owner or occupier, in consequence of the removal, for the purpose of making the owner or occupier's drain or sewer communicate with any other public sewer or with a private sewage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, do not have effect in relation to apparatus as respects which paragraph 2 or Part 3 of the 1991 Act applies.

(6) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003(a); and

“public utility undertakers” has the same meaning as in the 1980 Act.

(a) 2003 c. 21.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Blackpool Borough Council to construct and operate an extension to the existing Blackpool Tramway. The extension will run along Talbot Road from North Pier to Blackpool North railway station. For the purpose of the extension, the Order authorises the Council, compulsorily or by agreement, to acquire land and rights in land and to use land. It contains a number of protective provisions for the benefit of affected undertakings.

This Order also makes provision in connection with the operation and maintenance of the existing Blackpool Tramway and accordingly provides for the repeal of certain provisions in the County of Lancashire Act 1984 under which the operation and maintenance of the existing Tramway is authorised.

A copy of the deposited plans, the book of reference and the traffic regulation plan mentioned in this Order and certified in accordance with article 65 (certification of plans, etc.) of this Order, may be inspected free of charge during working hours at the offices of Blackpool Borough Council at 1 Bickerstaffe Street, Blackpool FY1 1NF.

201[] No.

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

Blackpool Tramway (Blackpool North Extension) Order

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