# ELIZABETH II




## 1982 CHAPTER xix

An Act to confer further powers on the West Yorkshire Metropolitan County Council and to authorise the West Yorkshire Passenger Transport Executive to operate trolley vehicles; and for other purposes.

[30th July 1982]

WHEREAS under the Local Government Act 1972 the West Yorkshire Metropolitan County Council are entrusted with the general management and administration of the metropolitan county of West Yorkshire (hereinafter referred to as " the county ") and under section 187 of the said Act of 1972 they are the local highway authority for highways in the county: 1972 c.70.

And whereas it is expedient that the provisions contained in this Act relating to the provision of parking places in the county should be enacted:

And whereas under the Transport Act 1968 it is the general duty of the West Yorkshire Passenger Transport Executive (hereinafter referred to as " the Executive ") to secure or promote the provision of a properly integrated and efficient system of public passenger transport to meet the needs of the county: 1968 c. 73.

And whereas it is expedient that the Executive should be authorised to operate trolley vehicles as defined in this Act on routes within their area:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of section 239 of the said Act of 1972 and section 10 (1) (xxix) of the said Act of 1968 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

## PART I

## PRELIMINARY

Citation.

**1.** This Act may be cited as the West Yorkshire (Parking and Transport) Act 1982.

Interpretation.

**2.**—(1) In this Act, unless the context otherwise requires—

"the Act of 1967" means the Road Traffic Regulation Act 1967;

1967 c. 76.

"the Council" means the county council of the county;

"the county" means the metropolitan county of West Yorkshire;

"the Executive" means the West Yorkshire Passenger Transport Executive.

(2) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

## PART II

## PARKING

Parking on highways for payment.

**3.**—(1) Section 36 of the Act of 1967 (which deals with the regulation of parking places on highways for payment) in its application to the Council as a local authority for the purposes of that section shall have effect as if the apparatus referred to in subsection (2) (*a*) (which among other things defines the expression "parking meter" as meaning the apparatus therein described) included cards, purchased in advance and designed to be displayed by a vehicle indicating the month in which, the day on which and the time at which the vehicle was left in a parking place and such cards are in this section referred to as parking cards:

PART II —*cont.*

Provided that before making an order in respect of a parking place under subsection (2) of the said section 36, as extended by this section, the Council shall consult the district council in whose area the parking place is situated.

(2) The power of the Council to make orders under subsection (2) of the said section 36 shall include power to make provision—

(*a*) for regulating the issue, use and surrender of parking cards;

(*b*) for prohibiting any operation or use of a parking card carried out with a view to allowing a vehicle to stand in a parking place for a period longer than that limited by that or another card when the vehicle was left there;

(*c*) to prescribe the manner in which parking cards are to be displayed, used and operated;

(*d*) for the refund in such circumstances and in such manner as may be prescribed in the order of the whole or part of the amount of any charge paid in advance in respect of a parking card.

(3) The reference in subsection (2) (*b*) of the said section 36 to the absence of a ticket includes a reference to the absence of a parking card.

(4) Section 42 (6) of the Act of 1967 applies to a parking card as it applies to apparatus operated by the insertion of coins.

(5) A person who, with intent to defraud or with intent otherwise to deceive interferes with a parking card or displays a parking card otherwise than in the manner prescribed shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(6) The approval of the Secretary of State of the type or design of a parking card may be given either until he otherwise directs or for such period, not exceeding five years, as he may from time to time direct.

## PART III

### TROLLEY VEHICLES

Interpretation of Part III.

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

"the chief constable" means the chief constable for the county and includes the deputy chief constable acting by virtue of section 6 (1) of the Police Act 1964; 1964 c. 48.

"dual-powered vehicle" means a vehicle which, but for its additional capability of being moved in the course of

PART III —*cont.*

its normal operation by a source of power on board the vehicle, is a trolley vehicle as defined in section 196 (1) of the Road Traffic Act 1972;

1972 c. 20.

" road " has the meaning given by section 196 of the Road Traffic Act 1972;

" trolley vehicle " means a trolley vehicle as defined in section 196 (1) of the Road Traffic Act 1972 and includes a dual-powered vehicle.

(2) Unless the context otherwise requires, reference in this Part to the operating of trolley vehicles includes reference to the heating and lighting of such vehicles.

(3) The provisions of this Part have effect without prejudice to the powers of the Executive with respect to—

(*a*) the operation on roads or other land of public service vehicles, including trolley vehicles when propelled otherwise than by energy transmitted from an external source; and

(*b*) the operation of trolley vehicles, however propelled, upon land in which the Executive have sufficient right apart from this Part.

Application of Road Traffic Act 1972.

**5.**—(1) Except as provided in subsections (2) and (3) below, the provisions of the Road Traffic Act 1972 which, by virtue of section 198 of that Act, do not apply to trolley vehicles within the meaning of that Act unless otherwise provided as mentioned in subsection (8) of that section, shall apply to dual-powered vehicles operated under this Part.

(2) Section 40 of the said Act of 1972 (which provides for the regulation of the construction, weight, equipment and use of vehicles) and the regulations under that section shall apply to trolley vehicles operated under this Part subject to any order which may be made by the Secretary of State under section 42 of that Act.

(3) Sections 34 and 195 of the said Act of 1972 (which provide respectively, so far as relevant, for the carrying of a person to attend to a trailer and for the interpretation of statutory references to carriages) and the regulations under the said section 34 shall not apply to dual-powered vehicles operated under this Part.

(4) Notwithstanding anything in the said subsection (8), sections 44 and 52 of the said Act of 1972 (which relate to obligatory test certificates and the grant of excise licences) shall apply to dual-powered vehicles operated under this Part.

Operation of trolley vehicles.

**6.**—(1) The Executive may operate trolley vehicles on routes in the county authorised by or under this Part.

(2) The powers conferred by subsection (1) above include power to operate trolley vehicles for the purposes of testing and demonstrating systems of passenger transport. PART III —*cont.*

**7.** The Executive are hereby authorised to operate trolley vehicles in any direction in which vehicular traffic is permitted to pass on the following routes, or any part thereof, within the city of Bradford:— Specified routes.

Route No. 1 (850 metres in length) from the junction of Market Street with Bridge Street, passing along Market Street, Prince's Way, Jacob's Well, Hall Ings and Bridge Street to the point of commencement;

Route No. 1A (140 metres in length) passing along Channing Way between Hall Ings and Market Street;

Route No. 2 (4,987 metres in length) from Faltis Square at Eccleshill, passing along Bank, Victoria Road, Stony Lane, Stone Hall Road, Bolton Road, Forster Square, Cheapside and Market Street to the junction of Market Street with Bridge Street;

Route No. 3 (2,414 metres in length) from the junction of Albion Road with Leeds Road and Stockhill Road at Greengates, passing along Albion Road, Thorp Garth, Bradford Road, Five Lane Ends and Idle Road to the junction of Idle Road with Bolton Road;

Route No. 3A (345 metres in length) from the junction of Albion Road with a branch of that road connecting with Leeds Road near its junction with Fourlands Road, passing along the said branch of Albion Road and Leeds Road to the commencement of Route No. 3;

Route No. 4 (3,440 metres in length) from the junction of Little Horton Lane with Prince's Way, passing along Little Horton Lane and St. Enochs Road to the junction of St. Enochs Road with Fair Road, Wibsey Park Avenue and Beacon Road;

Route No. 4A (155 metres in length) from the junction of Glydegate with Little Horton Lane passing along Glydegate and Morley Street to the junction of Morley Street with Prince's Way;

Route No. 5 (690 metres in length) from the junction of High Street with Croft Street at Wibsey, passing along High Street and Fair Road to the termination of Route No. 4;

Route No. 6 (4,320 metres in length) from the termination of Route No. 4, passing along Wibsey Park Avenue, Reevy Road, Reevy Road West, Cooper Lane, Mandale Road and Beacon Road to the point of commencement;

PART III —*cont.*

Route No. 6A (975 metres in length) passing along Buttershaw Drive and Gracey Lane between Reevy Road West and Beacon Road.

Authorisation of other routes.

**8.**—(1) The Council may, by order made on the proposal of the Executive under this section, authorise the operation of trolley vehicles on any road within the county specified in the order, being a road comprising or forming part of—

(*a*) any route for the provision of a service in accordance with a road service licence under Part III of the Public Passenger Vehicles Act 1981; or

1981 c. 14.

(*b*) any route which may be required for connecting one such route with another, or with any depot, garage, building or work of the Executive, or for the turning of trolley vehicles.

(2) Before making an order under this section authorising the operation of trolley vehicles on any road the Council shall—

(*a*) consult with the district council in whose area the road is situated;

(*b*) consult with the traffic commissioners for the traffic area in which the road is situated;

(*c*) consult with the chief constable; and

(*d*) where the Council are not the highway authority for the road, consult with that authority or, in the case of a private street, the street managers within the meaning given by section 2 of the Public Utilities Street Works Act 1950.

1950 c. 39.

(3) After the consultations required by subsection (2) above but before making the order, the Council shall—

(*a*) publish once at least in a local newspaper circulating in the area in which any road to which the intended order relates is situated a notice of the proposal stating—

(i) the general effect of the order specifying all such roads and the approximate length of each such road comprising or forming part of an intended route or otherwise affected;

(ii) an address at which a copy of the intended order can be inspected and the times for such inspection;

(iii) that any person may within 28 days after the first publication of the notice, by notice in writing to the Council specifying the grounds of objection, object to the intended order;

PART III —*cont.*

(*b*) display a copy of the notice in a prominent position at or near each end of the length of each road affected and maintain the notice so displayed until the end of the said period of 28 days; and

(*c*) serve a copy of the notice on each of the persons mentioned in subsection (2) above.

(4) If, before the end of the said period of 28 days, notice in writing of an objection, specifying the grounds of objection, is received by the Council from any person appearing to them to be affected by the intended order and the objection is not withdrawn, the Council shall, before making the order, cause a public inquiry to be held and consider the report and recommendations (if any) of the person appointed to hold it.

(5) Where such a public inquiry is held upon objections to any intended order—

(*a*) the Council shall appoint, as the person to hold the inquiry, a person selected by them after consultation with the Secretary of State;

(*b*) not less than 42 days before the date of the inquiry the Council shall publish, once at least in a local newspaper circulating in the area in which any road to which the intended order relates is situated, a notice of the inquiry stating—

(i) the general effect of the order specifying all such roads and the approximate length of so much of each such road as is affected;

(ii) the date, time and place of the inquiry, the name of the person appointed to hold it and an address to which written representations for his consideration may be submitted; and

(iii) an address at which a copy of the intended order can be inspected and the times for such inspection;

(*c*) any person interested in the subject matter may appear at the inquiry either in person or by counsel, solicitor or other representative and may, whether or not he intends to appear at the inquiry, send to the person appointed to hold the inquiry, at the address stated in the notice of the inquiry, such written representations as he may wish to make in relation to the subject matter of the inquiry for consideration by that person at the inquiry;

(*d*) the person holding the inquiry may refuse to hear any person, or to consider any objection or representation made by any person, if he is satisfied that the views of that

PART III —*cont.*

person, or expressed in the objection or representation, are frivolous or that such views have already been adequately stated by some other person at the inquiry;

(*e*) subject as aforesaid, the procedure at the inquiry shall be in the discretion of the person holding it.

(6) Where the Council decide to make an order under this section they shall—

(*a*) give notice of their decision to each of the persons mentioned in subsection (2) above and to each person who duly objected to the order and did not withdraw his objection;

(*b*) make available at the offices of the Council during normal office hours and, if the Council think fit, at such other places within the county and during such times respectively at those places as the Council may determine, copies of the order as made and a statement of the Council's reasons for making the order; and

(*c*) publish, once at least in a local newspaper circulating in the area to which the order relates, notice of the making of the order.

(7) (*a*) If any person desires to question the validity of an order under this section on the grounds that it is not within the powers conferred by this Act, or that any requirement of this Act with respect to the making of the order has not been complied with, he may, within 42 days after the date on which notice of the making of the order is first published under subsection (6) above, make an application for the purpose to the High Court.

(*b*) On any application under paragraph (*a*) above, the High Court—

(i) may, by interim order, suspend the operation of the order until the final determination of the proceedings; and

(ii) if satisfied that the order is not within the powers conferred by this Act, or that the interests of the applicant have been substantially prejudiced by failure to comply with any requirement of this Part with respect to the making of the order, quash the order either generally or so far as may be necessary for the protection of the interests of the applicant.

**Trolley vehicle installations.**

**9.**—(1) The Executive may—

(*a*) in, on, under or over any road in the county comprised in, or adjacent to, any trolley vehicle route authorised by or under this Part, or in which it may be necessary or

PART III *cont.*—

convenient for the connection of apparatus with any electricity generating station or substation;

(*b*) subject as provided in subsection (3) below, with the consent of the owners and occupiers of any other land in the county, in, on, under or over that land; and

(*c*) in, on, under or over any land in which the Executive otherwise have sufficient right;

lay, place, erect, maintain and renew posts, standards, brackets, cables, wires and other apparatus required for the purpose of operating trolley vehicles and, with the consent of the owner of any such existing apparatus, adapt, use and maintain that apparatus for that purpose.

(2) The provisions of Part VI of Schedule 3 to the Water Act 1945 (breaking open streets) shall apply to trolley vehicle apparatus referred to in subsection (1) above as they apply to water mains and pipes as if— 1945 c. 42.

(*a*) for any reference to undertakers or limits of supply there were substituted respectively reference to the Executive and the county; and

(*b*) in section 22 of that Schedule the words " which they are authorised to lay " and section 25 (4) of that Schedule were omitted;

and for that purpose the provisions of the Public Utilities Street Works Act 1950 shall have effect as if, notwithstanding the exception in subsection (1) of section 1 of that Act of a power conferred for the purposes of a trolley vehicle system undertaking, the power of the Executive under this Part to install trolley vehicle apparatus were a power to which the said section 1 applies: 1950 c. 39.

Provided that no posts, standards or other apparatus shall be erected in or on the carriageway of any trunk road except with the consent of the Secretary of State.

(3) The Executive may affix any brackets, cables, wires and other similar apparatus referred to in subsection (1) above to any building or structure in, or fronting on, or constructed over, any road in the county; and for that purpose the provisions of subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing apparatus to buildings for street lighting) shall apply and have effect as if— 1961 c. 64.

(*a*) the attachments therein mentioned included any such trolley vehicle apparatus; and

(*b*) for the reference to the street lighting authority there were substituted reference to the Executive.

PART III —*cont.*

Sections 49 and 57 of Tramways Act 1870.

1870 c. 78.

**10.**—(1) The following provisions of the Tramways Act 1870 shall apply to trolley vehicle routes authorised under this Part as if apparatus provided for the operation of trolley vehicles on such routes were tramways, the expression "road" had the same meaning as in this Part and the expression "the promoters" meant the Executive:—

Section 49 (obstruction of promoters in laying out tramway);

Section 57 (right of user only).

(2) The said section 49 as applied by this section shall have effect as if, for the words "a penalty not exceeding £25", there were substituted the words "a fine not exceeding £200".

**Exclusive right of using trolley vehicle apparatus.**

**11.** The Executive shall have the exclusive right of using any apparatus installed by them for operating trolley vehicles and, subject to any arrangements made between the Executive and the Council or the council of the district in which it is situated for the use of any such apparatus for any of their functions, any person using any such apparatus without the consent of the Executive or other reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

**Provisions as to use of electrical energy.**

**12.**—(1) The following provisions shall apply to the use of electrical energy transmitted to trolley vehicles for their operation under this Part:—

(*a*) The Executive shall employ either insulated returns or uninsulated metallic returns of low resistance;

(*b*) The Executive shall take all reasonable precautions in constructing, placing and maintaining their electric lines and circuits and other works of all descriptions, and in working their trolley vehicle system, so as not injuriously to affect by fusion or electrolytic action any electric lines or gas or water pipes, or other metallic pipes, structures or substances, or to interfere with, or with the working of—

(i) any wire, line or apparatus from time to time used for the purpose of transmitting electrical energy or of telegraphic, telephonic or electric signalling communication; or

(ii) the currents in any such wire, line or apparatus;

(*c*) The electrical energy shall be used only in accordance with the regulations hereinafter referred to, and in such regulations provision shall be made for preventing fusion and injurious electrolytic action of or on electric lines or gas or water pipes, or other metallic pipes, structures or substances and for minimising, so far as is reasonably practicable, injurious interference with, and with the working of, the electric wires, lines and apparatus of other persons, and the currents therein, whether such lines do, or do not, use the earth as a return;

PART III —*cont.*

(*d*) The Executive shall be deemed to take all reasonable and proper precautions against interference with, or with the working of, any wire, line or apparatus or the currents therein if and so long as they adopt and employ, at the option of the Executive, either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with, and with the working of the electric wires, lines and apparatus of other persons, and the currents therein, as may be prescribed by the said regulations; and in prescribing such means the Secretary of State shall have regard to the expense involved in relation to the protection afforded;

(*e*) The provisions of this section shall not operate to give any right of action in respect of injurious interference with, or with the working of, any electric wire, line or apparatus, or the currents therein, unless in the construction, erection, maintaining and working of such wire, line and apparatus all reasonable and proper precautions, including the use of an insulated return, have been taken to minimise injurious interference therewith, and with the currents therein, by or from other electric currents;

(*f*) If any difference arises between the Executive and any other person with respect to anything in the foregoing provisions of this section, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State or, at his option, by an arbitrator to be appointed by him, and the costs of such determination shall be in the discretion of the Secretary of State or, as the case may be, the arbitrator;

(*g*) The regulations hereinbefore mentioned are any regulations made by the Secretary of State for the time being in force with respect to the trolley vehicles of the Executive, which regulations the Secretary of State is hereby authorised to make;

(*h*) In this section reference to an insulated return includes reference to a return by means of a combined neutral and earth cable which is covered by a sheath suitable for protection against corrosion and is approved for use below ground by the Secretary of State for the purpose of any regulations relating to the supply of electricity.

(2) A trolley vehicle route shall not be opened for the conveyance of the public on trolley vehicles propelled by energy transmitted from an external source until the route has been certified to be fit for such traffic by the Secretary of State.

PART III —*cont.*

For protection of British Railways Board.

**13.** For the protection of the British Railways Board the following provisions shall, unless otherwise agreed in writing between the Executive and the railways board, apply and have effect:—

(1) In this section:—

"the Act of 1950" means the Public Utilities Street Works Act 1950; 1950 c. 39.

"the railways board" means the British Railways Board;

"relevant operation" means the carrying out under section 9 (Trolley vehicle installations) of this Act of any undertakers' works within the meaning given by section 1(2) of the Act of 1950 by which apparatus required for the operation of trolley vehicles is placed on or in, or attached to, a bridge over or under a railway of the railways board:

(2) Nothing in this Part shall authorise the Executive without the consent of the railways board to place or erect above ground at any place at which a road crosses on the level, or is so crossed by, a railway of the railways board apparatus for the operation of trolley vehicles:

(3) In respect of any relevant operation the following provisions of the Act of 1950 shall, as between the Executive and the railways board, have effect subject to the following modifications:—

(*a*) the relevant operation shall be works to which section 3 applies;

(*b*) in sections 4 (2) (*a*) and 10 (1), for the period of 29 days there shall be substituted the period of 56 days;

(*c*) in section 6 (1) (*a*), for the period of 7 days there shall be substituted the period of 28 days, and in section 6 (3) for the period of two months there shall be substituted the period of 8 months:

(4) Notwithstanding the provisions of section 10 of the Act of 1950 any relevant operation shall be works in respect of which the railways board shall have the right to elect themselves to execute the same whether or not the works involve breaking up or opening the street in question or tunnelling or boring under it:

(5) Without prejudice to the provisions of section 45 of the Public Health Act 1961 applied by section 9(3) of this Act, in any case where the railways board shall require to widen, lengthen, strengthen, re-construct, alter, 1961 c. 64.

PART III —*cont.*

maintain, repair or paint any bridge under which trolley vehicle wires of the Executive are suspended or to which such wires are attached, the Executive shall, upon being given not less than 14 days' notice to that effect (except in case of emergency), cut off the electric current from those wires at such times and for such periods as the railways board may reasonably require for the purpose of carrying out those works having regard to the need for the operation of the trolley vehicle system for public transport:

(6) Nothing in section 9 of this Act shall authorise the operation of trolley vehicles on any road belonging to or maintainable by the railways board without the consent of the railways board, which consent shall not be unreasonably withheld:

(7) Any question whether any requirement is reasonably made under paragraph (5) above or any consent is unreasonably withheld under paragraph (6) above shall be determined by a single arbitrator to be agreed between the parties or, failing agreement, appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Leases and agreements for provision of trolley vehicles.

**14.**—(1) The Executive may, with the approval of the Secretary of State, lease to any person the right to use or operate trolley vehicles under this Part.

(2) The exercise of the powers of any enactment in pursuance of any lease under this section shall be subject to the like provisions in relation thereto as would apply if those powers were exercised by the Executive.

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# West Yorkshire (Parking and Transport) Act 1982

CHAPTER xix

## ARRANGEMENT OF SECTIONS

### PART I

### PRELIMINARY

**Section**


1. Citation.
2. Interpretation.


### PART II

### PARKING


3. Parking on highways for payment.


### PART III

### TROLLEY VEHICLES


4. Interpretation of Part III.
5. Application of Road Traffic Act 1972.
6. Operation of trolley vehicles.
7. Specified routes.
8. Authorisation of other routes.
9. Trolley vehicle installations.
10. Sections 49 and 57 of Tramways Act 1870.
11. Exclusive right of using trolley vehicle apparatus.
12. Provisions as to use of electrical energy.
13. For protection of British Railways Board.
14. Leases and agreements for provision of trolley vehicles.