



Midland Metro (No. 2) Act 1992

1992 CHAPTER viii

An Act to empower the West Midlands Passenger Transport Executive to construct additional works for extension of their light rail rapid passenger transport system and substituted works for parts of that system; to authorise the acquisition of lands for that purpose; to confer further powers upon the Executive; and for other purposes.

[16th March 1992]

WHEREAS—

- (1) Under the Transport Acts 1968 and 1985 it is the general duty of the West Midlands Passenger Transport Executive (otherwise known as Centro and hereinafter called “the Executive”) to secure the provision of public passenger transport services for meeting public transport requirements of their area in accordance with general policies formulated by the West Midlands Passenger Transport Authority:
- (2) By the Midland Metro Act 1989 the Executive were authorised to construct works forming the first stage in the development of a light rail rapid transit network in the West Midlands area and, by the Midland Metro Bill deposited in the Session of Parliament 1989/90 (hereinafter called “the No. 1 Act of 1992”), provision is proposed for the construction of additional works forming the second and third stages of that network in furtherance of that object:
- (3) It is expedient that the Executive should be empowered to construct the additional works authorised by this Act for the extension of that network by the provision of additional light rail rapid transit routes in Wolverhampton and Dudley and the further works authorised by this Act in Birmingham, Dudley, Sandwell and Wolverhampton in substitution for works authorised by the No. 1 Act of 1992:
- (4) It is expedient that the other powers of this Act, including powers for the compulsory acquisition of land or rights in land for the purposes of the said works and other lands in Birmingham and Walsall, should be conferred upon the Executive and that the other provisions in this Act should be enacted:
- (5) The purposes of this Act cannot be effected without the authority of Parliament:

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- (6) In relation to the promotion of the Bill for this Act the requirements of section 10(1) (xxix) of the Transport Act 1968 have been observed:
- (7) Plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and the occupiers of the said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the District Councils of the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Wolverhampton and the City of Birmingham, which plans, sections and book of reference are respectively referred to in this Act as “the deposited plans”, “the deposited sections” and “the deposited book of reference”:

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:—

PART I

PRELIMINARY

1 Short title

- (1) This Act may be cited as the Midland Metro (No. 2) Act 1992.
- (2) The Midland Metro Act 1989, the No. 1 Act of 1992 and this Act may be cited together as the Midland Metro Acts 1989 to 1992.

2 Interpretation

- (1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings and—

“the Act of 1989” means the Midland Metro Act 1989;

“the No. 1 Act of 1992” means the Act for which the Midland Metro Bill was deposited in the Session of Parliament 1989/90;

“authorised railway” means any railway authorised by this Act, including, where the context so admits, any railway adapted for use as part of the Metro;

“the authorised works” means the works authorised by this Act;

“existing” means existing at the commencement of this Act;

“the limits of deviation” means the limits shown on the deposited plans and, where in the case of a work in any street, no such limits are shown for that work, the boundaries of the street (including any verge or roadside waste adjoining it);

“the Metro” means the light rail transit system comprising the railways authorised by the Midland Metro Acts 1989 to 1992, including such railways designated as tramways, and all works and conveniences provided in connection with any of those railways, as that system is constructed, extended or altered from time to time;

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“statutory undertaker” means a licence holder under Part I of the Electricity Act 1989, a public gas supplier within the meaning of Part I of the Gas Act 1986, the National Rivers Authority and a water undertaker or any of them as the case may be;

“street” has the meaning given by section 329 of the Highways Act 1980 and includes a bridleway, cycle track or footpath as defined in the said section 329 and any way laid out or used as a cycleway;

“tramway” means a railway, or any part of a railway, authorised by the Midland Metro Acts 1989 to 1992 and therein designated as a tramway; and the following expressions have the same meanings as in the Act of 1989:—

“the Act of 1845”;

“the Act of 1965”;

“enactment”;

“the Executive”;

“land”;

“the railways board”.

- (2) Unless the context otherwise requires, any reference in this Act to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Act.

- (3) (a)

In this Act, except as mentioned in paragraph (b) below, all distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance and length, and distances between points on a railway shall be taken to be measured along the railway.

- (b) This subsection does not apply to distances or lengths stated in

section 8 (Power to deviate) of this Act.

- (4) Any reference in this Act to rights over land includes reference to the right to do or to place and maintain anything in, on or under the land, or in the air space above its surface.

- (5) Reference in this Act to access to any place includes egress from that place.

3

The following provisions of the Act of 1989 which incorporate or apply enactments for the purposes of that Act shall have effect as if the references in those provisions to that Act included this Act:—

section 3 (Incorporation and application of enactments relating to railways);

section 4 (Application of Tramways Act 1870);

section 5 (Application of provisions of Public Utilities Street Works Act 1950 and Road Traffic Regulation Act 1984); and

section 6 (Application of Part I of Compulsory Purchase Act 1965).

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PART II

WORKS

4 Additional works and powers exercisable in Wolverhampton

Subject to the provisions of this Act the Executive may—

- (a) in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the Metropolitan Borough of Wolverhampton specified in Part I of Schedule 1 to this Act, with all necessary works and conveniences connected therewith; and
- (b) in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels so shown, carry out the further works, with all necessary works and conveniences connected therewith, and exercise the further powers, in the Metropolitan Borough of Wolverhampton described in Part II of the said Schedule 1.

5 Additional works and powers exercisable in Dudley

Subject to the provisions of this Act the Executive may—

- (a) in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the Metropolitan Borough of Dudley specified in Part I of Schedule 2 to this Act, with all necessary works and conveniences connected therewith; and
- (b) in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels so shown, carry out the further works, with all necessary works and conveniences connected therewith, and exercise the further powers, in the Metropolitan Borough of Dudley described in Part II of the said Schedule 2.

6 Substituted works and powers exercisable in Birmingham

(1) Subject to the provisions of this Act the Executive may—

- (a) in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the City of Birmingham specified in Part I of Schedule 3 to this Act, with all necessary works and conveniences connected therewith; and
- (b) in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels so shown, carry out the further works, with all necessary works and conveniences connected therewith, and exercise the further powers, in the City of Birmingham described in Part II of the said Schedule 3.

(2) The Executive shall cease to have the powers to make and maintain the works, or to exercise the further powers, in the City of Birmingham specified in Part III of the said Schedule 3.

7 Substituted works and powers exercisable in Dudley, Sandwell and Wolverhampton

(1) Subject to the provisions of this Act the Executive may—

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- (a) in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the Metropolitan Boroughs of Dudley, Sandwell and Wolverhampton specified in Part I of Schedule 4 to this Act, with all necessary works and conveniences connected therewith; and
 - (b) in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels so shown, carry out the further works, with all necessary works and conveniences connected therewith, and exercise the further powers, in the Metropolitan Boroughs of Sandwell and Wolverhampton described in Part II of the said Schedule 4.
- (2) The Executive shall cease to have the powers to make and maintain the works, or to exercise the further powers, in the Metropolitan Boroughs of Dudley and Sandwell specified in Part III of the said Schedule 4.
- (3) If so required in any agreement between the railways board and the Executive, the Executive shall—
- (a) construct Work No. 7 in substitution for so much of the Works Nos. 1 and 2 authorised by the No. 1 Act of 1992 as is specified in Part IV of Schedule 4 to this Act; and
 - (b) remove any part of the said Works Nos. 1 and 2 authorised by the No. 1 Act of 1992 then no longer required;

and thereafter the Executive shall cease to have the power to make and maintain that part of the said Works Nos. 1 and 2 authorised by the No. 1 Act of 1992, or to exercise the further powers, in the Borough of Wolverhampton specified in Part IV of the said Schedule 4.

8 Power to deviate

In the execution of the authorised works the Executive may, except as may be otherwise provided by this Act, deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

9 Level crossings

- (1) The Executive may carry the authorised railways with a double line across and on the level of the highways specified in Schedule 5 to this Act.
- (2) In the exercise of the powers of subsection (1) above, the Executive may alter or interfere with the level of any highway upon which any railway or associated work is to be laid.

10 Plans to be approved by Secretary of State

- (1) Before constructing any of the authorised railways the Executive shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals concerning—
 - (a) permanent way or track and stations;
 - (b) tunnels, lifts, escalators and stairways;
 - (c) signalling;