



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;

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- (d) lighting; and
 - (e) ventilation.
- (2) Any such works shall be constructed and maintained in accordance with plans, sections and particulars approved by the Secretary of State.
- (3) Section 37 of the Electricity Act 1989 (which requires consent for overhead electric lines) shall not apply in relation to an electric line forming part of the authorised railways.

11 Application of works provisions of Acts of 1989 and 1992

- (1) The following provisions of the Act of 1989 and the No. 1 Act of 1992 relating to works shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply to the works authorised by this Act as they apply to the works authorised by those Acts:—

In the Act of 1989—

- section 9 (Requirements applicable to tramways);
- section 12 (Provision of accommodation for apparatus);
- section 15 (Gauge of railways and restrictions on working);
- section 17 (Transport consultative committee);
- section 18 (Temporary stoppage of highways);
- section 20 (Stopping up streets and footpaths in case of diversion or substitution);
- section 21 (Provisions as to repair of streets, footpaths, etc.);
- section 22 (Underpinning of houses near works);
- section 23 (Use of sewers, etc., for removing water);
- section 24 (Attachment of brackets, etc., to buildings for purposes of works); and
- section 25 (Provisions as to use of electrical energy);

In the No. 1 Act of 1992—

- subsection (3) of section 4 (Power to make works);
- subsections (2) to (7) of section 5 (Further works and powers);
- section 6 (Subsidiary works);
- subsection (3) of section 8 (Level crossings); and
- section 12 (Agreements with British Railways Board).

- (2) For the purposes of this section—

- (a) in the said section 9 of the Act of 1989, for the reference in subsection (3)(a)(ii) to section 8(4) of that Act, there shall be substituted reference to section 5(4) of the No. 1 Act of 1992 as applied in this Act;
- (b) in the said section 12 of the Act of 1989, for the reference to section 11 of that Act, there shall be substituted reference to section 6 of the No. 1 Act of 1992 as applied in this Act;
- (c) in the said section 18 of the Act of 1989—
 - (i) for the reference to streets within the meaning of that Act, there shall be substituted reference to streets within the meaning of this Act; and
 - (ii) for the reference to the limits of deviation and to the deposited plans within the meaning of that Act, there shall be substituted reference

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to the limits of deviation and the deposited plans within the meaning of this Act;

- (d) in subsection (1) of the said section 23 of the Act of 1989, for the reference to the limits of deviation within the meaning of that Act, there shall be substituted reference to the limits of deviation within the meaning of this Act;
- (e) in the said section 6 of the No. 1 Act of 1992, for the reference to the limits of deviation within the meaning of that Act, there shall be substituted reference to the limits of deviation within the meaning of this Act; and
- (f) in subsection (3) of the said section 8 of the No. 1 Act of 1992, for the reference to subsection (1) of that section, there shall be substituted reference to subsection (1) of section 9 of this Act.

12 Railway works in Oozells Street, Birmingham

- (1) Subject to the provisions of the No. 1 Act of 1992, the Executive may, for the purpose of providing access to the underground railways authorised by that Act, make and maintain permanent openings in so much of Oozells Street in the City of Birmingham as is within the limits of deviation for those works shown on the deposited plans referred to in that Act.
- (2) Accordingly section 9 (Railway works in streets) of the No. 1 Act of 1992 shall have effect as if, in Part I of Schedule 4 to that Act, after the entry “Broad Street” there were inserted the entry “Oozells Street” and as if, in Part II of that Schedule, the entry “Oozells Street” were omitted.

PART III

LANDS

13 Power to acquire lands

- (1) Subject to the provisions of this Act the Executive may enter upon, take and use—
 - (a) so much of the land delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the authorised works or for any purpose connected with, or ancillary to, their undertaking;
 - (b) so much of the lands in the Metropolitan Borough of Walsall delineated on the deposited plans and thereon numbered 1 to 5 and described in the deposited book of reference, being lands within the limits of deviation for the Works Nos. 6 and 6A authorised by the No. 1 Act of 1992, as they may require for the purposes of the said Work No. 6 or for any purpose connected with, or ancillary to, their undertaking;
 - (c) so much of the land in the City of Birmingham delineated on the deposited plans and thereon numbered 18 and 19 and described in the deposited book of reference, being land within the limits of deviation for Works Nos. 21 and 21A authorised by the No. 1 Act of 1992, as they may require for the purposes of either of those works or for any purpose connected with, or ancillary to, their undertaking; and
 - (d) so much of any land specified in columns (2) and (3) of Schedule 6 to this Act shown on the deposited plans within limits of land to be acquired or used as

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they may require for the purpose specified in relation to that land in column (1) of that Schedule.

- (2) The Executive shall cease to have the power, under sections 13 (a) and 16 of the No. 1 Act of 1992, to acquire compulsorily so much of the land in the City of Birmingham delineated on the deposited plans referred to in that Act and thereon numbered 197 as forms part of the land specified in subsection (1) (c) above, and Schedule 6 to that Act shall have effect accordingly.

14 Temporary possession of lands

- (1) Subject to the provisions of this section the Executive may take temporary possession of and use any of the lands specified in Schedule 6 to this Act for the provision of working sites and access for construction purposes.
- (2) Not less than 28 days before entering upon and taking temporary possession of any land under this section the Executive shall give notice to the owners and occupiers of the land.
- (i) (a) The Executive shall not, without the agreement of the owners and occupiers, remain in possession of any part of any land of which they take temporary possession under this section after a period of 18 months from the completion of the work of construction for which possession was required.
- (b) Before giving up possession of any such land, the Executive shall remove all temporary works and restore the land to the reasonable satisfaction of the owners and occupiers thereof.
- (4) The Executive shall not be empowered to purchase compulsorily, or be required to purchase, any land of which they take temporary possession under this section.
- (a) (a) The Executive shall compensate the owners and occupiers of any land of which they take temporary possession under this section for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to that land.
- (b) Nothing in this section shall relieve the Executive from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965 as incorporated or applied in this 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 (a) above.
- (6) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

15 Application of land purchase provisions of Act of 1989

- (1) The following provisions of the Act of 1989 relating to the acquisition of lands or rights thereover shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply for the purposes of this Act to the lands delineated on the deposited plans and described in the deposited book of reference as they apply for the purposes of that Act to the lands referred to in those provisions:—
- section 27 (Extinction of private rights of way);
 - section 28 (Power to acquire new rights);
 - section 29 (Acquisition of part only of certain properties);

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section 30 (Disregard of recent improvements and interests);
section 31 (Set-off for enhancement in value of retained land);
section 33 (Correction of errors in deposited plans and book of reference); and
Schedule 5—Adaptation of Part I of the Compulsory Purchase Act 1965.

(2) For the purposes of this section—

- (a) in subsection (2) of the said section 28, for the reference to the works authorised by the Act of 1989, there shall be substituted reference to the works authorised by this Act;
- (b) in the said section 31, the references to works authorised by the Act of 1989 shall include reference to works authorised by the No. 1 Act of 1992 or by this Act; and
- (c) in the said section 33, for references to the deposited plans and the deposited book of reference within the meaning of the Act of 1989, there shall be substituted references to the deposited plans and the deposited book of reference within the meaning of this Act.

16 Period of compulsory purchase of lands or rights

- (1) The powers of the Executive for the compulsory acquisition of the lands and rights which they are authorised to acquire by this Part of this Act shall not be exercised after the expiration of five years from the passing of this Act.
- (2) The powers of the Executive for the compulsory acquisition of the said lands and rights shall, for the purposes of this section, be deemed to have been exercised if notice to treat has been served in respect of those lands and rights.

PART IVPROTECTIVE PROVISIONS

17 Application of protective provisions of Acts of 1989 and 1992

- (1) The following protective provisions of the Act of 1989 and the No. 1 Act of 1992 shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply for the purposes of this Act as they apply for the purposes of that Act:—

In the Act of 1989—

section 36 (Notice to police);
section 37 (As to highways, traffic, etc.);
section 40 (For protection of public sewers);
section 41 (For protection of certain statutory undertakers);
section 42 (For protection of telecommunications operators);
section 43 (Crown rights);

In the No. 1 Act of 1992—

section 22 (For protection of British Railways Board); and
section 23 (For protection of British Waterways Board).

- (2) For the purposes of this section—

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- (a) in the said section 40, paragraph (14) shall not apply to the construction of any authorised railway in land now forming part of, or adjoining, any existing railway of the railways board; and
- (b) in the said section 41—
 - (i) for the reference to statutory undertakers as defined in the Act of 1989 there shall be substituted reference to statutory undertakers as defined in this Act; and
 - (ii) paragraph (16) shall not apply to the construction of any authorised railway in land forming part of, or adjoining, any existing railway of the railways board.

PART VGENERAL

18 Application of landlord and tenant law to Metro leases

- (1) This section applies to any agreement entered into by the Executive with any person under section 54 (2) of the Act of 1989 with the approval of the Secretary of State for the construction, maintenance, use or operation of the Metro, or any part of that system, so far as 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 shall prejudice the operation of any agreement to which this section applies.
- (3) Accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—
 - (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
 - (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
 - (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

19 Arbitration

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

20 Planning permission

- (1) Subject to subsection (2) below, in its application to development authorised by this Act, the planning permission specified in subsection (3) below shall have effect as if

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the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

- (2) Subsection (1) above shall not apply to the carrying out of any development consisting of the alteration, renewal, maintenance or repair of the authorised works or the substitution of new works therefor.
- (3) The planning permission referred to in subsection (1) above is that granted for development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).

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SCHEDULES

SCHEDULE 1

ADDITIONAL WORKS IN WOLVERHAMPTON

PART I

DESCRIPTION OF WORKS SPECIFICALLY AUTHORISED

In the Metropolitan Borough of Wolverhampton—

Work No. 1—railway (1,442 metres in length), forming a single line of tramway, commencing by a junction with the Work No. 1 authorised by the No. 1 Act of 1992 at a point in Victoria Square 15 metres east of the commencement of that work, passing westwards along Lichfield Street, Queen Square and Darlington Street, southwards along School Street, eastwards along Cleveland Street and northwards along Garrick Street and terminating in Bilston Street by a junction with the Work No. 1 authorised by the Act of 1989 at a point 40 metres east of the junction of that street with Market Street and Garrick Street;

Work No. 1A—A railway (51 metres in length), forming a single line of tramway, commencing by a junction with the Work No. 1A authorised by the No. 1 Act of 1992 at a point in Pipers Row 5 metres south of its junction with Victoria Square, passing north-westwards and terminating by a junction with Work No. 1 at a point in Lichfield Street 15 metres north-west of its junction with Victoria Square;

Work No. 1B—A railway (73 metres in length), forming a single line of tramway, commencing by a junction with the Work No. 1A authorised by the No. 1 Act of 1992 at a point in Pipers Row 20 metres from its junction with Bilston Street and terminating by a junction with the Work No. 1 authorised by the Act of 1989 at a point in Bilston Street 50 metres south-east of that road junction;

Work No. 1C—A widening of Darlington Street and School Street on the south-eastern side of the junction of those streets between a point in Darlington Street 22 metres east of that street junction and a point in School Street 12 metres south of that street junction.

PART II

DESCRIPTION OF FURTHER WORKS AND POWERS

In the Metropolitan Borough of Wolverhampton—

- (a) Set back the footway and kerbline on the southern side of Darlington Street and the eastern side of School Street at the junction of those streets, and raise the level of the surface of those streets at that junction, between the points marked A1 and A2 on the deposited plans;
- (b) Set back the kerbline on the western side of School Street between the points marked A3 and A4 on the deposited plans;

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- (c) Set back the kerbline on the northern side of Darlington Street at its junctions with Red Lion Street and Waterloo Road between the points marked A5 and A6 on the deposited plans;
- (d) Set back the kerbline on the eastern side of School Street and the northern side of Cleveland Street at the junction of those streets between the points marked A7 and A8 on the deposited plans;
- (e) Stop up and discontinue the pedestrian subway under School Street at its junction with Cleveland Street and Salop Street between the points marked A9 and A10 on the deposited plans;
- (f) Set back the kerbline on the northern side of Cleveland Street between the points marked A11 and A12 on the deposited plans.

SCHEDULE 2

ADDITIONAL WORKS IN DUDLEY

PART I

DESCRIPTION OF WORKS SPECIFICALLY AUTHORISED

Note: In the following descriptions—

“the South Staffordshire Railway” means the South Staffordshire Junction Railway (Dudley and Stourbridge).

In the Metropolitan Borough of Dudley—

Work No. 2—railway (1,235 metres in length), commencing by a junction with the Work No. 17 authorised by the No. 1 Act of 1992 at a point 58 metres south of the junction of Bourne Street with Birmingham Street (North), passing southwards and south-westwards through the Dudley Bus Station and land adjoining the western side of Porter’s Field, then south-westwards in tunnel for a distance of 163 metres under the roundabout at the junction of Birmingham Street (South), Trindle Road, Hall Street and King Street, then passing southwards through the Flood Street Car Park and across Campbell Street and Constitution Hill at points respectively 17 metres and 23 metres east of the junctions of each of those roads with Flood Street, then passing south-westwards over Work No. 2A and across New Road, then passing on the north-western side of that railway to a point 215 metres south-west of the said bridge carrying New Road over that railway;

Work No. 2A—A tunnel (89 metres in length) formed over the existing South Staffordshire Railway in place of the bridge carrying New Road over that railway, commencing at a point 69 metres north-east of the north-eastern side of that bridge and terminating at a point 8 metres south-west of the south-western side of that bridge, including reinstatement of New Road over the tunnel;

Work No. 3—railway (2,539 metres in length), commencing by a junction with Work No. 2 at its termination, passing south-westwards along the north-western side of the existing South Staffordshire Railway, under Cinder Bank at the northern end of the bridge carrying that road over that railway, then as a single line over the existing Parkhead Viaduct, then continuing on the north-western side of that railway, passing under Pedmore Road at the northern end of the bridge carrying that road over that railway, then over the Pensnett Canal and Canal Street at points respectively 5 metres and 7 metres west of the western sides of each of the existing bridges carrying that railway over that canal and that street

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and terminating at a point on the northern side of that railway 155 metres east of the bridge carrying Dudley Road over that railway, including bridges under Cinder Bank and Pedmore Road and bridges over the Pensnett Canal and Canal Street;

Work No. 3A—A railway (363 metres in length) forming a deviation of the existing South Staffordshire Railway, commencing by a junction with that railway at a point 110 metres north-east of the north-eastern end of the Parkhead Viaduct, passing as a single line over that viaduct and terminating by a junction with that railway at a point 104 metres south-west of the south-western end of that viaduct;

Work No. 4—railway (1,110 metres in length), commencing by a junction with Work No. 3 at its termination, passing south-westwards on viaduct from a point on the northern side of the existing South Staffordshire Railway, then over that railway at a point 95 metres east of the said bridge carrying Dudley Road over that railway, then southwards and south-eastwards, over Level Street at a point 50 metres west of its junction with Old Bush Street, to a point 105 metres south of Level Street, then continuing southwards and south-eastwards across Cottage Street at a point 100 metres east of its junction with Little Cottage Street and terminating at a point 15 metres north-east of the junction of Little Cottage Street (North) with Little Cottage Street (South), including the said viaduct.

PART II

DESCRIPTION OF FURTHER WORKS AND POWERS

In the Metropolitan Borough of Dudley—

- (a) Repair and refurbishment of the existing Parkhead viaduct;
- (b) Stop up and discontinue the footpath between Pedmore Road and Cochrane Road between the points marked B1 and B2 on the deposited plans and remove the existing stairway between those points, substituting therefor a new footpath and stairway between the points so marked B2 and B3.

SCHEDULE 3

SUBSTITUTED WORKS IN BIRMINGHAM

PART I

DESCRIPTION OF WORKS SPECIFICALLY AUTHORISED

In the City of Birmingham—

Work No. 5—railway (1,745 metres in length), commencing by a junction with the Work No. 25 authorised by the No. 1 Act of 1992 at a point 120 metres south-east of its crossing of Watson Road, passing south-eastwards and eastwards along the northern bank of the River Rea, then south-eastwards on viaduct over Work No. 5A and the culvert enclosing, and carrying former railway sidings over, the River Rea and over the existing Birmingham and Derby Railway, then passing eastwards along the southern side of that railway, over the River Tame at a point 9 metres south of the southern side of the bridge carrying that railway over that river, then under Bromford Lane (the Work No. 26A authorised by the No. 1 Act of 1992) and terminating by a junction with the Work No. 26 authorised by that Act at a point 239 metres east of the intended bridge forming part of the said Work No. 26A, including the said viaduct and a bridge over the River Tame;

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Work No. 5A—A railway (888 metres in length), commencing by a junction with Work No. 5 at a point 34 metres from its commencement, passing south-eastwards, eastwards and north-eastwards on the northern bank of the River Rea, over the River Tame at its confluence with the River Rea and under the viaduct carrying the M6 motorway over the River Tame, then eastwards over that river where the Work No. 25B authorised by the No. 1 Act of 1992 passes over that river and terminating by a junction with the Work No. 25A authorised by that Act at a point 40 metres east of the eastern bank of that river, including two bridges over the River Tame.

PART II

DESCRIPTION OF FURTHER WORKS AND POWERS

In the City of Birmingham—

- (a) Stop up and discontinue so much of the footpath between Common Lane and a bridge over the River Tame west of Bromford Lane on the southern side of the existing Birmingham and Derby Railway as lies between the points marked C1 and C4 on the deposited plans, substituting therefor a new footpath between the points so marked C1, C3 and C4 in conjunction with the new service road referred to in paragraph (b) below between the points so marked C3 and C5;
- (b) Stop up and discontinue so much of the service road on the southern side of that railway as lies between the points marked C3 and C5, substituting therefor a new service road between those points;
- (c) Stop up and discontinue so much of the footpath between the bridge over the River Tame west of Bromford Lane and that street on the southern side of the existing Birmingham and Derby Railway as lies between the points marked C6 and C7 on the deposited plans, substituting therefor a new footpath between those points.

PART III

AUTHORISED WORKS AND POWERS REPLACED BY WORKS NOS. 5 AND 5A AND RELATED POWERS

In the City of Birmingham—

- (a) So much of the Works Nos. 25 and 26 authorised by the No. 1 Act of 1992 as lies between the points of commencement and termination of Work No. 5 authorised by this Act, being the part of the said Work No. 25 from chainage 968 to its termination and the part of the said Work No. 26 from its commencement to chainage 1,300;
- (b) So much of the Work No. 25A authorised by the No. 1 Act of 1992 as lies between its point of commencement and the point of termination of Work No. 5A authorised by this Act, being the part of the said Work No. 25A from its commencement to chainage 716; and
- (c) The further powers authorised by section 5 (1) (a) of the No. 1 Act of 1992 and paragraph (1) (c) of Part II of Schedule 2 to that Act (stopping up and diversion of footpath on southern side of the Birmingham and Derby Railway).

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SCHEDULE 4

SUBSTITUTED WORKS IN DUDLEY, SANDWELL AND WOLVERHAMPTON

PART I

DESCRIPTION OF WORKS SPECIFICALLY AUTHORISED

Note: In the following descriptions—

“the Birmingham and Wolverhampton Railway” means the Birmingham, Wolverhampton and Stour Valley (Birmingham, Wolverhampton and Dudley Lines) Railway;

“the Wolverhampton and Walsall Railway” means the Wolverhampton and Walsall (Wolverhampton—Wednesfield), (Wednesfield— Short Heath) and (Short Heath—Walsall) Railway;

“the Darlaston Loop Railway” means the South Staffordshire Railway between its junction with the Grand Junction Railway and Tipton Junction; and

“the South Staffordshire Railway” means the South Staffordshire Junction Railway.

In the Metropolitan Borough of Wolverhampton—

Work No. 7—railway (1,208 metres in length), commencing by a junction with the Work No. 1 authorised by the No. 1 Act of 1992 at a point 13 metres south of the southern side of the existing bridge carrying the Birmingham and Wolverhampton Railway over land south of Bailey Street, passing northwards under that bridge, then eastwards on the course of the former Wolverhampton and Walsall Railway, then passing to the northern side of the existing Wednesfield Depot branch siding of that railway, then across Inkerman Street and across the footpath between Alma Street and Clover Ley at points 5 metres north-west of the bridges carrying the Wolverhampton and Walsall Railway over that street and that footpath, then passing eastwards across Grove Street and terminating by a junction with the Work No. 2 authorised by the No. 1 Act of 1992 at a point 7 metres south-west of Dean’s Road;

Work No. 7A—A railway (443 metres in length) forming a deviation of the Wednesfield Depot branch siding of the Wolverhampton and Walsall Railway, commencing by a junction with that railway at a point 180 metres south-west of the south-western abutment of the bridge carrying that railway over Inkerman Street, passing over Work No. 7 at a point 90 metres south-west of the junction of Freeman Street with Inkerman Street and terminating at a point 170 metres south-east of the south-eastern abutment of the bridge carrying that railway over the footpath between Alma Street and Clover Ley, including a bridge carrying the said railway over Work No. 7;

Work No. 7B—An alteration of the alignment of Freeman Street between the junction of that street with Inkerman Street and the western end of that street;

In the Metropolitan Borough of Sandwell—

Work No. 8—railway (1,500 metres in length), commencing by a junction with the Work No. 10 authorised by the No. 1 Act of 1992 at a point 3 metres south-east of the south-eastern portal of the existing tunnel under Holyhead Road, passing south-eastwards on the course of the former Darlaston Loop Railway across a spur road (to be stopped up) off Holyhead Road and over Leabrook Road at the existing bridge carrying that road over that former railway, then passing southwards from a point 120 metres south-east of that existing bridge, across Potters Lane at its junction with Victoria Street and Great Western Street, then south-eastwards, passing on the north-eastern side of the Work No. 6 authorised by the Act of 1989, then on the existing bridge over Old Field Road, then turning southwards

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across the said Work No. 6, over the existing Tipton Branch and Princes End Branch Railways and terminating by a junction with the Work No. 12 authorised by the No. 1 Act of 1992 on the north-western side of the South Staffordshire Railway at a point 28 metres south of the southern abutment of the bridge carrying that railway over the River Tame, including bridges over Leabrook Road and the Tipton Branch and Princes End Branch Railways;

Work No. 8A—Alteration of the level of Potters Lane between a point 39 metres north-west of its junction with Victoria Street and a point 43 metres south-east of that street junction;

Work No. 8B—Alteration of the level of Victoria Street and Great Western Street between a point in Victoria Street 47 metres north-east of its junction with Potters Lane and a point in Great Western Street 34 metres south-west of its junction with Potters Lane;

Work No. 8C—A railway (112 metres in length), commencing by a junction with Work No. 8 and the Work No. 6 authorised by the Act of 1989 at a point 260 metres south-east of the junction of Great Western Street and Leabrook Road and terminating by a junction with those works at a point 48 metres north-west of the north-western abutment of the former Tipton Junction bridge;

In the Metropolitan Boroughs of Dudley and Sandwell—

Work No. 9—widening on its north-western side of the bridge carrying the South Staffordshire Railway over Birmingham New Road.

PART II

DESCRIPTION OF FURTHER WORKS AND POWERS

In the Metropolitan Borough of Wolverhampton—

- (a) Stop up and discontinue so much of the footpath between Sun Street and Freeman Street as lies between the points marked E1 and E4 on the deposited plans, including the pedestrian subway passing under the existing Wednesfield Depot branch siding between the points marked E2 and E3 on the deposited plans, substituting therefor a new footpath between the points so marked E1 and E4 passing on the western side of Work No. 7 under the bridge carrying Work No. 7A thereover;

In the Metropolitan Borough of Sandwell—

- (b) Stop up and discontinue the spur road on the south-western side of Holyhead Road between the points marked F1 and F2 on the deposited plans.

PART III

AUTHORISED WORKS AND POWERS REPLACED BY WORKS NOS. 8 AND 9 AND RELATED POWERS

In the Metropolitan Borough of Sandwell—

- (a) So much of the Works Nos. 10, 11 and 12 authorised by the No. 1 Act of 1992 as lies between the points of commencement and termination of Work No. 8 authorised by this Act, being the part of the said Work No. 10 from chainage 1,816 to its termination, the whole of the said Work No. 11 and the part of the said Work No. 12 from its commencement to chainage 328;
- (b) The Work No. 12A authorised by the No. 1 Act of 1992;
- (c) The powers authorised by section 5 (1) (a) of the No. 1 Act of 1992 and the following provisions of Part II of Schedule 1 to that Act, namely:—

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- (i) paragraph (5) (a) (stopping up of spur road off Holyhead Road); and
- (ii) paragraph (5) (b) (stopping up of part of Potters Lane); and

In the Metropolitan Borough of Dudley—

- (d) The bridge over Birmingham New Road forming part of the Work No. 15A authorised by the No. 1 Act of 1992.

PART IV

AUTHORISED WORKS AND POWERS REPLACED BY WORKS NOS. 7, 7A AND 7B AND RELATED POWERS

In the Metropolitan Borough of Wolverhampton—

- (a) So much of the Works Nos. 1 and 2 authorised by the No. 1 Act of 1992 as lies between the points of commencement and termination of Work No. 7 authorised by this Act, being the part of the said Work No. 1 from chainage 683 to its termination and the part of the said Work No. 2 from its commencement to chainage 1,088; and
- (b) The powers conferred by section 5 (1) (a) of the No. 1 Act of 1992 and paragraph (1) (c) of Part II of Schedule 1 to that Act (stopping up and discontinuance of part of the footpath between Sun Street and Freeman Street).

SCHEDULE 5

Section 9.

RAILWAY CROSSINGS IN HIGHWAYS

In the Metropolitan Borough of Wolverhampton—

Inkerman StreetFootpath between Alma Street and Clover LeyGrove Street

In the Metropolitan Borough of Sandwell—Potters Lane at its junction with Victoria Street and Great Western Street

In the Metropolitan Borough of Dudley—Campbell StreetConstitution HillNew RoadCottage Street.

SCHEDULE 6

Sections 13 (1) (d) and 14.

ADDITIONAL LAND WHICH MAY BE ACQUIRED OR USED

Purpose	Location	Lands numbered on deposited plans
(1)	(2)	(3)
IN THE METROPOLITAN BOROUGH OF DUDLEY		
For the provision of a working site for construction purposes and access	New Road and adjoining land, South Dudley	15, 16 and 19.

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Purpose	Location	Lands numbered on deposited plans
(1)	(2)	(3)
For the provision of a working site for construction purposes and access	Shaw Road and adjoining land, South Dudley	22 to 24.
For the provision of a working site for construction purposes	Blowers Green Road and Cinder Bank and adjoining land, South Dudley	26, 28 and 29.
For the provision of a working site for construction purposes	Thornleigh Trading Estate, South Dudley	30.
For the provision of a working site for construction purposes and access	Land adjoining Buxton Road, South Dudley	35.
For the provision of a working site for construction purposes and access	Pedmore Road and adjoining land, South Dudley	36 and 37.
For the provision of access for construction purposes	Pedmore Road and adjoining land, South Dudley	35 and 37.
For the provision of a working site for construction purposes and access	Canal Street and adjoining land and Pensnett Canal, North Brierley Hill	48, 49 and 51.
For the provision of a working site for construction purposes and access	Land adjoining Dudley Road, North Brierley Hill	52 and 53.
For the provision of a working site for construction purposes	Level Street and adjoining land, Brierley Hill	55a and 58a.
For the provision of a working site for construction purposes	Cottage Street and land between that street and Level Street, Brierley Hill	59 and 61.
IN THE METROPOLITAN BOROUGH OF SANDWELL		
For the provision of a working site for construction purposes and access	Land adjoining Holyhead Road and Portway Road, Wednesbury	1 and 2.