
DRAFT STATUTORY INSTRUMENTS

2005 No.

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Midland Metro (Wednesbury to Brierley Hill
and Miscellaneous Amendments) Order 2005

Made - - - - 26th January 2005

Laid before Parliament 8th February 2005

Coming into force 2005

THE MIDLAND METRO (WEDNESBURY TO BRIERLEY
HILL AND MISCELLANEOUS AMENDMENTS) ORDER 2005

PART 1

PRELIMINARY

1. Citation
2. Interpretation
3. Application of New Roads and Street Works Act 1991
4. Incorporation of the Railways Clauses Consolidation Act 1845
5. Application of the Midland Metro Acts

PART 2

WORKS PROVISIONS

Principal powers

6. Power to construct and maintain works
7. Power to deviate, etc.
8. Designation of works

Streets

9. Power to alter layout, etc. of streets
10. Power to keep apparatus in streets
11. Power to execute street works
12. Permanent stopping up of means of access

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
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13. Permanent stopping up of streets
14. Temporary stopping up of streets
15. Access to works
16. Construction and maintenance of new or altered highways
17. Construction and alteration of bridges
18. Restoration of streets if street tramway discontinued
19. Agreements with street authorities
20. Level crossings
21. Closure of level crossings

Supplemental powers

22. Discharge of water
23. Attachment of equipment to buildings for purposes of tramway
24. Safeguarding works to buildings
25. Power to construct temporary tramways
26. Power to survey and investigate land
27. Mode of construction and operation of tramway
28. Temporary interference with waterways

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

29. Power to acquire land
30. Application of Part I of the Compulsory Purchase Act 1965
31. Application of Compulsory Purchase (Vesting Declarations) Act 1981
32. Power to acquire rights
33. Rights under or over streets

Temporary possession of land

34. Temporary use of land for construction of works
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37. Disregard of certain interests and improvements

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39. Extinction or suspension of rights of way
40. Time limit for exercise of powers of acquisition

PART 4

OPERATION OF TRAMWAY SYSTEM

41. Power to operate and use tramway system
42. Maintenance of approved works etc.
43. Power to charge fares
44. Traffic signs

- 45. Tree preservation orders
- 46. Obstruction of construction of authorised works
- 47. Traffic regulation

PART 5

MISCELLANEOUS AND GENERAL

- 48. Planning permission: supplementary matters
- 49. Statutory undertakers, etc.
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- 53. Service of notices
- 54. No double recovery
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- 56. Withholding of consent
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Signature

SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

- In the metropolitan borough of Sandwell
- In the metropolitan boroughs of Sandwell and Dudley
- In the metropolitan borough of Sandwell
- In the metropolitan boroughs of Sandwell and Dudley
- In the metropolitan borough of Dudley

SCHEDULE 2 — ACQUISITION OF LAND, ETC OUTSIDE LIMITS OF DEVIATION

- PART 1 — ACQUISITION OF LAND
- PART 2 — ACQUISITION OF RIGHTS ONLY

SCHEDULE 3 — STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 4 — STREETS TO BE STOPPED UP

- PART 1 — STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
- PART 2 — STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 6 — LEVEL CROSSINGS ON TRAMROADS

SCHEDULE 7 — 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...
- 2. (1) Without prejudice to the generality of paragraph 1, the...

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Adaptation of the 1965 Act

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (provisions as to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — TRAFFIC REGULATION
PART 1 — PROHIBITION OR RESTRICTION OF WAITING AND LOADING/UNLOADING

TABLE A

No waiting, loading or unloading at any time

PART 2 — DIRECTION OF TRAFFIC

TABLE B

One way

PART 3 — PROHIBITION OF ACCESS

TABLE C

No passage of vehicular traffic except tramcars

TABLE D

No passage of vehicular traffic

SCHEDULE 10 — 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...

Apparatus of statutory undertakers, etc. in stopped up streets

2. (1) Where a street is stopped up under article 13...

Application of telecommunications code

3. (1) Paragraph 21 of the electronic communications code shall not...

SCHEDULE 11 — PROTECTIVE PROVISIONS
PART 1 — FOR PROTECTION OF BRITISH WATERWAYS BOARD

1. (1) For the protection of BW the following provisions of...

Interpretation

2. In this Part of this Schedule— “BW” means the British...

Powers requiring BW's consent

2. (1) The Executive shall not under the powers conferred by...

Vehicles, plant and machinery

3. The Executive shall not use any land or property of...

Closure of towing paths, etc.

4. If in consequence of or in connection with the exercise...

Fencing

5. Where so required by the engineer the Executive shall to...

Survey of waterway

6. (1) Before the commencement of the initial construction of any...

Approval of plans, protective works etc.

7. (1) The Executive shall before commencing construction of any specified...

Design of works

8. Without prejudice to its obligations under the foregoing provisions of...

Notice of works

9. The Executive shall give to the engineer 56 days' notice...

Lighting

10. The Executive shall provide and maintain at its own expense...

Construction of specified works

11. (1) Any specified or protective works shall, when commenced, be...

Prevention of pollution

12. The Executive shall not in the course of constructing a...

Access to work: provision of information

13. (1) The Executive on being given reasonable notice shall—

Alterations to waterway

14. (1) If during the construction of a specified work or...

Maintenance of works

15. If at any time after the completion of a specified...

Repayment of BW's fees, etc.

16. The Executive shall repay to BW all fees, costs, charges...

Costs of alterations, etc.

17. Any additional expenses which BW may reasonably incur in altering,...

Making good of detriment; compensation and indemnity, etc.

18. (1) If any detriment shall be caused by the construction...

Details of capitalised sums to be provided

19. If BW or the Executive cannot jointly agree the formula...

Arbitration

20. Any difference arising between the Executive and BW under this...

PART 2 — FOR PROTECTION OF ENVIRONMENT AGENCY

1. (1) The following provisions of this Part of this Schedule...
2. (1) Before beginning to construct any specified work, the Executive...
3. Without prejudice to the generality of paragraph 2, the requirements...
4. (1) Any specified work, and all protective works required by...
5. (1) The Executive shall from the commencement of the construction...
6. If by reason of the construction of any specified work...
7. (1) The Executive shall take all such measures as may...
8. The Executive shall indemnify the Environment Agency in respect of...
9. (1) Without prejudice to the other provisions of this Part...
10. The fact that any work or thing has been executed...
11. For the purposes of Chapter II of Part II of...
12. Any dispute arising between the Executive and the Environment Agency...

PART 3 — FOR PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED

1. The following provisions of this Part of this Schedule shall...
2. In this Part of this Schedule— “construction” includes execution, placing,...
3. (1) The Executive shall not exercise the powers conferred by...
4. (1) Where under this Part of this Schedule Network Rail...
5. (1) The Executive shall before commencing construction of any specified...
6. (1) Any specified work and any protective works to be...
7. The Executive shall— (a) at all times afford reasonable facilities...
8. Network Rail shall at all times afford reasonable facilities to...
9. (1) If any alterations or additions, either permanent or temporary,...
10. The Executive shall repay to Network Rail all reasonable fees,...
11. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
12. (1) If at any time after the completion of a...
13. Before either Network Rail or the Executive provide any new...
14. Any additional expenses which Network Rail may reasonably incur in...
15. (1) The Executive shall pay to Network Rail all reasonable...
16. Network Rail shall, on receipt of a request from the...
17. In the assessment of any sums payable to Network Rail...
18. The Executive and Network Rail may, subject in the case...

Explanatory Note