



# Midland Metro Act 1992

## 1992 CHAPTER vii

An Act to empower the West Midlands Passenger Transport Executive to construct additional works for extension of their light rail rapid passenger transport 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 in furtherance of that object:
- (3) It is expedient that the Executive should be empowered to construct the additional works authorised by this Act, and to acquire or use the lands referred to in this Act, for the extension of that network by the provision of additional light rail rapid transit routes between Wolverhampton, Walsall and Dudley and between the central area of Birmingham and Birmingham International Airport in Solihull:
- (4) It is expedient that the other powers of this Act 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:
- (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

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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, Solihull, Walsall and Wolverhampton and the City of Birmingham and of the Warwickshire County Council and the North Warwickshire Borough Council, 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”:

- (8) Alteration having been required in the alignment of part of the works since plans and sections thereof were so deposited, a plan and section showing the lines or situations and levels of the substituted works and a plan of the lands authorised to be acquired or used by this Act for the purposes of the substituted works, and a book of reference to such plan containing the names of the owners and lessees, or reputed owners and lessees, and the occupiers of the said lands have been 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 officer of the Council of the City of Birmingham, which plan, section and book of reference form part of 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**

this act may be cited as the midland metro act 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;

“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 so 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 Act of 1989 and this Act, 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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“sewerage undertaker” has the same meaning as in the Water Industry Act 1991;

“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 Act of 1989 or this Act and thereby designated as a tramway;

“underground railways” means so much of Works Nos. 21, 27 and 31 and any works and conveniences connected therewith as are constructed in tunnels, whether bored tunnels or tunnels constructed in a manner which necessitates the cutting through or removal of surface soil;

and the following expressions have the same meanings as in the Act of 1989 (as amended by section 26 of this Act):—

“the Act of 1845”; “the Act of 1950”; “the Act of 1965”; “enactment”; “the Executive”; “land”; “the railways board”; “statutory undertakers”; “telecommunications system”; “traffic sign”; “the tribunal”.

(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.

(s) (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 the following provisions of this Act:—

section 7 (Power to deviate);

subsection (4) of section 16 (Only subsoil or rights to be acquired in certain lands);

paragraph (3) of section 20 (As to underground works affecting highways).

(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) References in this Act to access to any place shall include egress from that place.

### **3 Incorporation or application of enactments**

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);

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

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## PART II

### WORKS

#### 4 Power to make works

- (1) Subject to the provisions of this Act, the Executive may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain—
  - (a) the works in the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Wolverhampton specified in Part I of Schedule 1 to this Act, with all necessary works and conveniences connected therewith; and
  - (b) the works in the City of Birmingham and the Metropolitan Borough of Solihull and in the Borough of North Warwickshire in the County of Warwickshire specified in Part I of Schedule 2 to this Act, with all necessary works and conveniences connected therewith.
- (2) Notwithstanding anything in this Act or shown on the deposited plans or the deposited sections, the Executive may, subject to the approval of the Secretary of State and with the consent of the owners, lessees and occupiers of the lands affected—
  - (a) construct the whole or part of Work No. 29 within the limits of deviation for that work in lines or situations and in accordance with levels, dimensions and descriptions other than the lines or situations, levels, dimensions and descriptions shown on the deposited plans and the deposited sections or specified in Part I of Schedule 2 to this Act; and
  - (b) construct or extend any part of Work No. 31 within the boundary of Birmingham International Airport in such lines or situations and in accordance with such levels, dimensions and descriptions as may be agreed between the Executive and Birmingham International Airport Plc.
- (3) The Executive shall construct a good and sufficient fence on each side of any road bridge which is constructed or widened as part of the authorised works.

#### 5 Further works and powers

- (1) Subject to the provisions of this Act (and, 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), the Executive may—
  - (a) exercise the powers, and carry out the further works, described in Part II of Schedule 1 to this Act, in the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Wolverhampton, with all necessary works and conveniences connected with those works; and
  - (b) exercise the powers, and carry out the further works, described in Part II of Schedule 2 of this Act in the City of Birmingham and the Metropolitan Borough of Solihull and in the Borough of North Warwickshire in the County of Warwickshire, with all necessary works and conveniences connected with those works.
- (2) Without prejudice to the specific powers conferred by subsection (1) above, for the purposes of constructing or maintaining the authorised railways in or adjoining any street, the Executive may, with the consent of the highway authority—

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- (a) increase the width of the carriageway of the street by reducing the width of any footway, cycle track or verge or other land within the boundary of the street;
  - (b) alter or interfere with the level of any kerb, footway, cycle track, verge or other land within the boundary of the street; or
  - (c) at any stopping place on a tramway reduce the width of the carriageway of the street by forming a reserved area in the street or by setting forward the kerbline of the street and providing access for vehicles to adjoining premises and a footway on the side of that kerbline nearest to those premises.
- (3) No footway shall, under subsection (2) above, be reduced to a less width than 1·80 metres (5 feet 11 inches) without the consent of the highway authority.
- (4) Where the carriageway, or part of the carriageway, of any street in which a tramway is laid is of sufficient width to provide not less than 3 metres of width for vehicular traffic clear of the tramway path (as determined in accordance with the clearance required by the Secretary of State), the Executive may, with the consent of the highway authority, carry out such works as may be required to deter, but not prevent, the passage of vehicular traffic along the tramway, whether by raising or lowering the level of the part of the carriageway occupied by the tramway path above or below the level of the adjoining carriageway or by placing a kerb or other obstruction along the edge of that adjoining carriageway.
- (5) Notwithstanding section 25 of the Tramways Act 1870 as applied by this Act, in the case of any part of a tramway which is situated clear of the carriageway of any street, the Executive may, with the consent of the highway authority, lay and maintain the tramway in such manner that the uppermost surface of the rails is not on a level with the surface of the ground in which it is laid.
- (6) Subject to the provisions of this Act, the Executive may—
- (a) lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways, either when constructing it or at any time thereafter, and construct or take up and reconstruct any such tramway or associated work in such position in the street or land in which it is authorised to be constructed as they think fit; and
  - (b) make, maintain, alter and remove such crossings, passing places, sidings, junctions and other works, in addition to those specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the Metro, for the purposes of the control of traffic or for providing access to any premises.
- (7) The powers of subsection (6) above shall not be exercised in any street which is a highway without the consent of the highway authority.

## **6 Subsidiary works**

- (1) Subject to the provisions of this Act the Executive may, for the purposes of the Metro and associated traffic control—
- (a) within the limits of deviation make, lay down, place, erect, repair, alter, renew, maintain, operate and use rails, rail fixings, plates, sleepers, channels, conduits, tubes, stations, platforms, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent cross-overs, passing places, pillars, posts, poles, brackets, wires, subways, manholes,

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shafts, pumps, engines, dynamos, substations, transformers, switchgear, cabling, signalling, monitoring and communications equipment, together with subsidiary and incidental machinery, apparatus, works and appliances; and

- (b) in, or under any street in which it may be necessary or convenient, or in other land over which the Executive have or obtain sufficient right, lay, place, form, erect, maintain, renew and repair drains, ditches and culverts and electric wires, conductors, cables, brackets, posts, radio masts, tubes, substations, boxes and other electrical apparatus for connecting the authorised railways and associated works with any electricity generating station or substations or for the purposes of signalling, monitoring and communication in connection with the Metro.
- (2) The provisions of Part VI of Schedule 3 to the Water Act 1945 (breaking open streets), as having effect in accordance with section 12 of the Control of Pollution Act 1974, shall apply to apparatus and works referred to in subsection (1) above as they apply to pipes and associated works.

## **7 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.

## **8 Level crossings**

- (1) The Executive may carry the authorised railways with a double line across and on the level of the highways and access roads specified in Schedule 3 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 or access road upon which any railway or associated work is to be laid.
- (3) Any barriers or other protective equipment specified in an order under the Level Crossings Act 1983 for the safety or convenience of persons using any crossing authorised by subsection (1) above (in this subsection referred to as “the specified apparatus”) shall, in any case where the specified apparatus is to be provided in, on or under any street or controlled land within the meaning of the Act of 1950, be deemed to be transport works for the purposes of Part II of, and Schedule 4 to, that Act, and accordingly the code in the said Part II shall have effect as if the construction or placing of any of the specified apparatus were specified in section 21 (1) (c) of that Act.

## **9 Railway works in streets**

- (1) Subject to the provisions of this Act, the Executive may, for the purpose of providing access to underground railways, make and maintain permanent openings in so much as is within the limits of deviation for those works of the streets specified in Part I of Schedule 4 to this Act.
- (2) (a)

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Subject to the provisions of this Act, the Executive may, for the purpose of constructing works for the purposes of, or in connection with, underground railways, enter upon, open, break up and interfere with so much as is within the limits of land to be acquired of the streets specified in Parts I and II of Schedule 4 to this Act and so much of any other highway as is within those limits.

- (b) Not less than 28 days before entering upon, opening, breaking up or interfering with the surface of any street referred to in paragraph (a) above, the Executive shall post notices stating their intention in conspicuous positions at each end of the part to the street so affected.

## **10 Plans to be approved by Secretary of State before works commenced**

- (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;
  - (b) tunnels, lifts, escalators and stairways;
  - (c) signalling;
  - (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 Act of 1989**

- (1) The following provisions of the Act of 1989 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 that Act:—
  - 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 purpose of works);
  - section 25 (Provisions as to use of electrical energy).
- (2) For the purposes of this section—
  - (a) in the said section 9, for the reference in subsection (3) (a) (ii) to section 8 (4) of the Act of 1989, there shall be substituted reference to section 5 (4) of this Act;

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- (b) in the said section 12, for the reference to section 11 of the Act of 1989, there shall be substituted reference to section 6 of this Act;
- (c) in the said section 18—
  - (i) for the reference to streets within the meaning of the Act of 1989, 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 the Act of 1989, there shall be substituted reference to the limits of deviation and the deposited plans within the meaning of this Act;
- (d) in subsection (1) of the said section 23, for the reference to the limits of deviation within the meaning of the Act of 1989, there shall be substituted reference to the limits of deviation within the meaning of this Act.

## 12 Agreements with British Railways Board

- (1) The Executive and the railways board may enter into, and carry into effect, agreements —
  - (a) for the transfer to the Executive of any property of the railways board comprising all or part of a railway or former railway, and any lands, works or other property held in connection therewith, and all rights and obligations of the railways board relating thereto; and
  - (b) for the transfer to the railways board of any property of the Executive comprising all or part of a railway, and any lands, works or other property held in connection therewith, and all rights and obligations of the Executive relating thereto.
- (2) Where agreement is made for the transfer to the Executive of any railway under subsection (1) above, the Executive may adapt for use, maintain, use and work that railway as part of the Metro in accordance with the provisions of the Act of 1845 and the Railways Clauses Act 1863 incorporated with this Act and the provisions of the Railway Regulation Acts 1840 to 1889 applicable to the Metro.
- (3) Any enactment by which any such railway or former railway of the railways board was authorised shall have effect subject to the provisions of this Act.
- (4) Subsection (1) (b) above has effect without prejudice to the provisions of section 54 (Powers of disposal, agreements for operation, etc.) of the Act of 1989.

## PART III

### LANDS

## 13 Power to acquire lands

- 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; and



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- (b) so much of any land specified in columns (2) and (3) of Part I of Schedule 5 to this Act shown on the deposited plans within the limits of land to be acquired or used as they may require for the purpose specified in relation to that land in column (1) of that Schedule.

#### **14 Temporary possession of lands**

- (1) In this section “relevant land” means so much of any of the lands specified in Part II of Schedule 5 to this Act as is not within the limits of deviation for any of the authorised works.
- (2) Subject to the provisions of this section, the Executive may take temporary possession of and use—
  - (a) any relevant land for the provision of working sites and access for construction purposes; and
  - (b) any land within the limits of deviation of any underground railway for the purpose of providing treatment of ground to facilitate the construction of that railway.
- (3) 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.
- (5) The Executive shall not be empowered to purchase compulsorily, or be required to purchase, any part of any relevant land.
  - (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 by 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.
- (7) 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

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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);
- 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);
- Schedule 5—daptation of Part I of the Compulsory Purchase Act 1965.

(2) For the purposes of this section—

- (a) in the said sections 28 and 31, for the references to the works authorised by the Act of 1989, there shall be substituted reference to the works authorised by this Act; and
- (b) 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 Only subsoil or rights to be acquired in certain lands**

- (1) Notwithstanding section 13 of this Act, the Executive shall not acquire compulsorily under this Act any interest in any part of the lands specified in Schedule 6 to this Act except as provided in subsection (2) of this section.
- (2) For the purposes of making, maintaining, protecting, renewing and using the underground railways, the Executive may enter upon, take and use so much of the subsoil of the lands specified in Schedule 6, or purchase compulsorily such new rights in such subsoil, as they may require without being required to acquire any greater interest in or under those lands.
- (3) This section has effect without prejudice to the exercise by the Executive of the powers of section 9 (Railway works in streets) and section 14 (Temporary possession of lands) of this Act in relation to any of the lands specified in Schedule 6.
- (4) For the purposes of this section, the subsoil of lands shall not include any such subsoil which is within 9 metres of the level of the surface of the ground or, in the case of a building on the said lands, the level of the surface of the ground adjoining the building or, in the case of a river, dock, canal, navigation, watercourse or other water area, the level of the surface of the adjoining ground which is at all times above water level.

## **17 Acquisition of structures where rights only acquired**

- (1) If, in any case where the Executive purchase a new right in or under any land under section 28(1) of the Act of 1989 as applying for the purposes of this Act, or enter upon, take and use the subsoil of any land under section 16 of this Act, they also require to take, use and pull down or open any cellar, basement, vault, arch or other structure forming part of any such land, they may enter upon, take and use such structure for the purposes of the authorised works, and, subject to the provisions of this Act, the Act of 1965 as applying for the purposes of this Act shall extend and apply in relation to the purchase of any such structure as if it were land.

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- (2) Section 29 (Acquisition of part only of certain properties) of the Act of 1989 as applying for the purposes of this Act shall apply in respect of the acquisition by the Executive under this section of any cellar, basement, vault, arch or other structure as if the same were a part of land to which that section applies.

## **18 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 IV**

### **PROTECTIVE PROVISIONS**

## **19 Application of protective provisions of Act of 1989**

- (1) The following protective provisions of the Act of 1989 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:—
- 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).
- (2) For the purposes of this section—
- (a) in the said section 36, after the word “police”, there shall be inserted the words “and to the fire authority”;
  - (b) 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;
  - (c) in the said section 41, paragraph (16) 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.

## **20 As to underground works affecting highways**

The following provisions shall, unless otherwise agreed in writing between the Executive and the highway authority concerned, apply and have effect in relation to the underground railways in addition to the provisions of section 37 (As to highways, traffic, etc.) of the Act of 1989 as applying for the purposes of this Act:—

- (1) In this section “highway” means a highway vested in, or repairable or maintained by, the highway authority:

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- (2) Wherever in this section provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the highway authority may require, but shall not be unreasonably withheld:
- (3) The Executive shall not, without the consent of the highway authority, construct any part of the underground railways in bored tunnel within 7 metres of the surface of any highway except in accordance with plans and sections submitted to, and approved by, the highway authority:

Provided that, if within 28 days after such plans and sections have been submitted the highway authority have not approved or disapproved them, they shall be deemed to have approved the plans and sections as submitted:

- (4) No part of the underground railways which is constructed in bored tunnel under a highway shall, except with the consent of the highway authority, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway:
- (5) Except with the consent of the highway authority, the Executive shall not open or make any permanent openings in, or erect or construct any structure or erection above, the surface of the carriageway or footway of any highway:
- (6) Any difference arising between the Executive and the highway authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

## 21 For protection of National Rivers Authority

For the protection of the National Rivers Authority (in this section referred to as “the Authority”) the following provisions shall, unless otherwise agreed in writing between the Executive and the Authority, have effect:—

- (1) In this section—

“construction” includes placing and altering and, in relation to temporary works, includes removal;

“drainage work” means any watercourse as defined in the Land Drainage Act 1991, and includes any land regularly used for providing flood storage capacity for any such watercourse and any other structure or appliance under the control of the Authority constructed or used for defence against water;

“plans” includes sections, drawings, specifications, method statements and other such particulars;

“specified work” means so much of any work authorised by this Act as is likely to affect any drainage work or the flow of water in, to or from any such drainage work:

- (h) (a)

Not less than two months before beginning the construction of any specified work, the Executive shall submit to the Authority plans of the work and such further particulars available to them as the Authority may, within 28 days of the submission of the plans, reasonably require;

- (b) Any such specified work shall not be constructed except in accordance with plans approved by the Authority, or settled by arbitration, and in accordance

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with any reasonable requirements made by the Authority for the protection of any drainage work and for the prevention of flooding;

- (c) The requirements which the Authority may make under sub-paragraph (b) above include conditions requiring the construction of such protective works by, and at the expense of, the Executive during the construction of the specified work as are reasonably necessary to safeguard a drainage work against damage or to secure that the efficiency of a drainage work for flood defence purposes is not impaired:
- (3) If within a period of two months after the submission of any plans under paragraph (2) (a) above the Authority do not inform the Executive in writing that they disapprove of those plans, stating the grounds of their disapproval, they shall be treated for the purposes of this section as having approved them:
- (4) Any specified work, and all protective works required by the Authority under paragraph (2) above, shall be constructed to the reasonable satisfaction of the Authority and the Authority shall be entitled by their officer to watch and inspect the construction of such works:
- (5) If by reason of the construction of any specified work the efficiency of any drainage work for flood defence purposes is impaired or that work is otherwise damaged, such damage shall be made good by the Executive to the reasonable satisfaction of the Authority and, if the Executive fail to do so, the Authority may make good the same and recover from the Executive the expense reasonably incurred by them in so doing:
- (6) The Executive shall pay to the Authority all costs, charges and expenses reasonably incurred by them in respect of the examination and approval of plans under this section:
- (c) (a)
- The Executive shall indemnify the Authority from all claims, demands, proceedings, costs, damages, expenses or loss which may be made or taken against, or recovered from or incurred by, the Authority by reason or in consequence of—
- (i) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence; or
  - (ii) any raising of the water table in land adjoining the works authorised by this Act or any sewers, drains and watercourses; or
  - (iii) any flooding or increased flooding of any such lands;
- which may be caused by, or result from, the construction of any authorised work or any act or omission of the Executive, their contractors, agents, workmen or servants whilst engaged upon the work;
- (b) The Authority shall give to the Executive reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the consent of the Executive who, if they withhold such consent and confirm to the Authority their acceptance of liability under this paragraph in respect of the claim or demand in question, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand:
- (8) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the Authority, or to their satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the Executive from any liability under the provisions of this section:

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- (9) For the purposes of section 109 of the Water Resources Act 1991 (as to structures in, over or under a main river) as applying to the construction of any specified work, any consent or approval given or deemed to be given by the Authority under this section with respect to the erection of any structure shall be deemed also to constitute a consent or approval under the said section 109 as respects the erection of that structure:
- (10) To the extent to which byelaws made under section 66 of the Land Drainage Act 1991 or paragraph 5 of Schedule 25 to the Water Resources Act 1991 apply to anything done in relation to railway property or the use thereof, those byelaws shall apply to anything done under this Act:
- (11) Any difference arising between the Executive and the Authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

## **22 For protection of British Railways Board**

For the protection of the British Railways Board (in this section referred to as “the railways board”) the following provisions shall, unless otherwise agreed in writing between the Executive and the railways board, have effect:—

- (1) In this section—
- “construction” includes placing, alteration and renewal;
  - “the engineer” means an engineer to be appointed by the railways board;
  - “plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction);
  - “railway property” means any railway of the railways board and any works connected therewith for the maintenance or operation of which the railways board are responsible and includes any land held or used by the railways board for the purposes of such railway or works;
  - “specified works” means so much of the authorised works as may be situated upon, across, under or over or within 15 metres of, or may in any way affect railway property:
- (2) The Executive shall not under the powers of this Act acquire compulsorily any land or other property of the railways board, or any right in such land or other property, without the consent of the railways board, which consent shall not be unreasonably withheld:
- (3) The Executive shall before commencing the construction of the specified works supply to the railways board proper and sufficient plans thereof for the approval of the engineer and shall not commence the construction of those works until such plans have been approved in writing by the engineer or settled by arbitration:
- Provided that approval of plans supplied under this paragraph shall not be unreasonably withheld and, if within 56 days after the plans have been supplied to the railways board the engineer has not notified his disapproval of the plans and the grounds of his disapproval, he shall be deemed to have approved the plans as supplied:
- (4) Where so required by the engineer, the plans of any specified work in respect of which an easement is acquired in or over railway property shall include provision for the fencing, to the reasonable satisfaction of the engineer, of any railway comprised in that work from any other railway property adjoining that work:

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- (5) If within 56 days after such plans have been supplied to the railways board, the railways board give notice to the Executive that the railways board desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the stability of any existing railway or the safe operation of traffic on the railways of the railways board then, if the Executive desire such part of the specified works to be constructed, the railways board shall construct the same with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Executive in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (6) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works (whether temporary or permanent) which in his opinion should be carried out before the commencement of the construction of the specified works to ensure the safety or stability of the railways of the railways board and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board or by the Executive, if the railways board so desire, with all reasonable dispatch, and the Executive shall not commence the construction of the specified works until the engineer shall have notified the Executive that the protective works have been completed to his reasonable satisfaction:
- (7) The Executive shall give to the railways board not more than 6 months' and not less than 28 days' notice in writing of their intention to commence the construction of any of the specified works and, except in case of emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with railway property:
- (8) When the construction of any specified work is commenced it shall be carried out—
- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid;
  - (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
  - (c) in such manner as to cause as little damage to railway property as may be; and
  - (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe user of any railway of the railways board or the traffic thereon and the use by passengers of railway property:
- (a) (a)
- If any damage to railway property or any such interference or obstruction shall be caused or take place, the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and pay to the railways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, interference or obstruction;
- (b) Nothing in sub-paragraph (a) above shall impose any liability on the Executive with respect to any damage, cost, expense or loss which is attributable to the neglect or default of the railways board or their servants or agents:
- (10) The Executive shall—
- (a) at all times afford reasonable facilities to the engineer for access to the specified works during their construction; and
  - (b) supply the engineer with all such information as he may reasonably require with regard to the specified works or the method of construction of those works:

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- (11) The railways board shall—
- (a) at all times afford reasonable facilities to the Executive and their agents for access to any works carried out by the railways board under this section during their construction; and
  - (b) supply the Executive with such information as they may reasonably require with regard to such works or the method of construction of those works:
- (12) If any alterations or additions, either permanent or temporary, to any existing railway of the railways board are reasonably necessary during the construction of the specified works, or during a period of 12 months after their completion, in consequence of the construction of the specified works, and the railways board give to the Executive reasonable notice of their intention to make such alterations or additions, the Executive shall pay to the railways board the reasonable cost thereof including, in the case of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Executive to the railways board under this section:

- (13) The Executive shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—
- (a) in constructing any part of the specified works on behalf of the Executive as provided by paragraph (5) above or in constructing any protective works under the provisions of paragraph (6) above including, in respect of any permanent protective works, a capitalised sum representing the reasonable cost of maintaining and renewing those works;
  - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, watching, lighting and signalling railways and for preventing as far as may be interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;
  - (c) in respect of any special traffic working resulting from—
    - (i) any speed restrictions which may, in the opinion of the engineer, be necessary by reason of the construction, maintenance, repair or failure of the specified works; or
    - (ii) the substitution, suspension or diversion of services which may be necessary for that reason;
  - (d) in respect of any additional temporary lighting of railways in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction, maintenance or failure of the specified works;
  - (e) in respect of the approval by the engineer of plans supplied by the Executive under paragraph (3) above and the supervision by him of the construction of the specified works:
- (14) If at any time after the completion of the construction of the specified works, not being works vested in the railways board, the railways board give notice to the Executive that the state of repair of the specified works appears to affect prejudicially any existing railway of the railways board, the Executive shall, on receipt of such notice, take such steps as may be reasonably necessary to remedy any such defect:



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- (15) Before providing any illumination or illuminated traffic sign on or in connection with the specified works in the vicinity of any existing railway of the railways board, the Executive shall consult with the railways board and, subject to the approval of the Secretary of State, comply with their reasonable requirements with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:
- (16) If the cost to the railways board of altering any existing railway within its boundaries or of maintaining or reconstructing any existing railway, or any existing structure or installation provided in connection therewith, under any powers existing at the passing of this Act, is increased by reason of the existence of the specified works, any such additional expense reasonably so incurred by the railways board, after giving 56 days' notice to the Executive, shall be repayable by the Executive to the railways board:
- (17) (a)
- The Executive shall be responsible for and make good to the railways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the railways board—
- (i) by reason of the construction, repair or failure of the specified works; or
  - (ii) by reason of any act or omission of the Executive or of any persons in their employ or of their contractors or others whilst engaged upon the construction or repair of the specified works;
- and the Executive shall indemnify the railways board from and against all claims and demands arising out of or in connection with the construction, repair or failure of the specified works or any such act or omission as aforesaid;
- (b) The fact that any act or thing may have been done by the railways board on behalf of the Executive or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was not attributable to the neglect or default of the railways board or of any person in their employ or of their contractors or agents) excuse the Executive from the liability under this paragraph;
  - (c) The railways board shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive:
- (18) Any difference arising between the Executive and the railways board under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

## **23 For protection of British Waterways Board**

For the protection of the British Waterways Board (in this section referred to as “the waterways board”) the following provisions shall, unless otherwise agreed in writing between the Executive and the waterways board, have effect:—

- (1) In this section—

“the canal” means any canal or inland waterway owned or managed by the waterways board, and any works connected therewith for the maintenance of which the waterways board are responsible, and includes any lands held or used by the waterways board for the purposes of any canal;

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“construction” includes execution, placing and alteration;  
 “the engineer” means an engineer to be appointed by the waterways board;  
 “plans” includes sections, drawings and particulars (including descriptions of methods of construction);  
 “the specified works” means so much of any of the authorised works as may be situated upon, under or over, or may in any way affect, the canal;  
 “the towing path” means the towing path forming part of the canal:

(2) The Executive shall not under the powers of this Act acquire compulsorily any land or other property of the waterways board but they may acquire such easements and rights in any such land or property delineated on the deposited plans as they may reasonably require for the purposes of the authorised works:

(3) The Executive shall, before commencing the construction of the specified works supply to the waterways board proper and sufficient plans thereof for the approval of the engineer, and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that approval of plans supplied under this paragraph shall not be unreasonably withheld and, if within 56 days after such plans have been supplied to the waterways board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as supplied:

(4) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of the canal, and such protective works as may be reasonably necessary for those purposes shall be constructed by the Executive with all reasonable dispatch:

(5) The Executive shall pay to the waterways board a capitalised sum representing the increased or additional cost of maintaining and, when necessary, renewing any permanent works authorised by this Act, including protective works provided under paragraph (4) above, but, if the cost of maintaining the canal, or of works of renewal on the canal, is reduced in consequence of any such protective works, a capitalised sum representing such saving shall be set off against any sum payable by the Executive to the waterways board under this section:

(6) The Executive shall give to the engineer not less than 28 days' notice of their intention to commence the construction or repair of any of the specified works, or any protective works or, in the case of repair carried out in an emergency, such notice as may be reasonably practicable so that, in particular, the waterways board may where appropriate arrange for the publication of notices bringing those works to the attention of users of their inland waterways:

(7) When construction of any specified works is commenced the works shall be carried out—

- (a) in accordance with the plans approved or deemed to be approved or settled as provided in paragraph (3) above with all reasonable dispatch;
- (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
- (c) so as not to interfere with or obstruct the use of the towing path so far as is reasonably practicable; and
- (d) so as not to interfere with or obstruct the passage of vessels on the canal—

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- (i) at any time in the following periods:—
    - (a) the period beginning on 17th March and ending on 3rd November in each year; and
    - (b) the period beginning on 20th December in each year and ending on 3rd January in the following year;  
except in case of emergency; and
  - (ii) at any other time so far as is reasonably practicable:
- (8) Where work for the repair of the specified works is intended which involves obstruction of the canal or towing path, the Executive shall consult the waterways board upon the steps to be taken for the purposes specified in paragraphs (7) (c) and (d) above:
  - (9) Following the completion of the construction of the specified works the Executive shall restore the canal to a condition no less satisfactory than its condition immediately prior to the commencement of those works:
  - (10) In the event of any obstruction of the canal or towing path by reason of the construction or failure of the specified works the Executive shall provide and maintain at their expense such temporary lighting of the canal and signal lights in the vicinity of the specified works as the engineer may reasonably require during such construction or failure:
  - (11) The Executive shall not use any land or property of the waterways board (including the towing path) for the passage of vehicles, plant or machinery employed in the construction of the specified works except—
    - (a) in pursuance of such easements or rights as may have been acquired by them; or
    - (b) with the consent in writing of the engineer, which consent shall not be unreasonably withheld, and subject to the compliance with such reasonable requirements as the engineer may from time to time specify—
      - (i) for the prevention of damage to such land and property and of danger to persons thereon; and
      - (ii) in order to avoid or reduce any inconvenience to the waterways board, their officers and agents and all other persons lawfully on such land or property:
  - (12) Unless agreed by the waterways board, if during the construction of the specified works any part of the towing path is closed to persons on foot or on cycles the Executive shall provide and maintain throughout the period of such closure a sufficient and convenient way in substitution therefor to the reasonable satisfaction of the waterways board:
  - (13) The Executive shall not in the course of constructing or repairing the specified works do or permit anything which may result in the pollution of the canal or the deposit of materials therein and shall take such steps as the engineer may reasonably require to avoid any such pollution:
  - (14) Nothing in section 23 (Use of sewers, etc., for removing water) of the Act of 1989, as applied by this Act, shall authorise the Executive—
    - (a) to discharge any water directly or indirectly into the canal except with the consent in writing of the waterways board; or

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- (b) to carry out any works to, or make any opening in, or otherwise interfere with the canal (including the banks and bed thereof) save in accordance with plans approved by, and under the supervision (if given) of, the engineer:
- (15) The consent of the waterways board under sub-paragraph (14) (a) above and the approval of plans under sub-paragraph (14) (b) above shall not be unreasonably withheld but may be given subject to reasonable conditions which, without prejudice to the generality of the foregoing, may include conditions requiring the Executive to make payments to the waterways board for the discharge of water in accordance with the said section 23 to recoup any costs incurred by the board in respect of the said discharge, including payments in respect of the employment of persons in connection with such discharges and the cost to the waterways board of pumping water so discharged:
- (16) The Executive shall repay to the waterways board all costs, charges and expenses reasonably incurred by the waterways board—
- (a) in respect of the employment of any persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting the canal and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
  - (b) in respect of the approval by the engineer of plans supplied by the Executive under paragraph (3) or (14) above and the supervision by him of the construction of the specified works or the exercise of the powers of section 23 of the Act of 1989 as those powers have effect in accordance with sub-paragraphs (14) and (15) above;
  - (c) in bringing the specified works to the notice of users of the canal:
- (17) The Executive shall be responsible for and make good to the waterways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the waterways board—
- (a) by reason of the construction of the specified works or the failure thereof; or
  - (b) by reason of any act or omission of the Executive or of any persons in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;

and the Executive shall effectively indemnify and hold harmless the waterways board from and against all claims and demands arising out of, or in connection with, the construction of the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was done without negligence on the part of the waterways board or of any person in their employ, or of their contractors or agents) excuse the Executive from any liability under the provisions of this paragraph:

Provided that the waterways board shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive:

- (18) Any difference arising between the Executive and the waterways board under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

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## PART V

### GENERAL

#### 24 Authorisation of new level crossings

- (1) This section has effect for the authorisation of new level crossings on railways forming part of the Metro which are not tramways.
- (2) The Secretary of State may, by order made on the application of the Executive, authorise—
  - (a) the carrying of any such railway across and on the level of any highway laid out or constructed after the date on which application was made by the Executive for the enactment by which the railway was authorised; or
  - (b) the carrying of any highway laid out or constructed after the railway has been constructed, across and on the level of any such railway.
- (3) An order made under this section may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient.
- (4) Before making application to the Secretary of State for an order under this section to authorise a proposed level crossing, the Executive shall—
  - (a) consult the highway authority and the local planning authority;
  - (b) submit a draft of the order to the Secretary of State;
  - (c) publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality in which the proposed level crossing would be situated, a notice—
    - (i) stating the general effect of the order as prepared in draft;
    - (ii) specifying a place in that locality where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of 28 days beginning with the date of the first publication of the notice; and
    - (iii) stating that any person may, within that period, by notice in writing to the Secretary of State object to the making of the order; and
  - (d) publish a notice in the London Gazette stating that the draft order has been submitted to the Secretary of State, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph (c) above was published and the date of an issue containing the notice.
- (5) The Executive shall, at the request of any person, supply him with a copy of the draft order on payment of such charge as the Executive think reasonable.
- (6) The Secretary of State may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the Executive shall give and publish such additional notices, and in such manner, as the Secretary of State may require.
- (7) If before the end of the period of 28 days referred to in subsection (4) (c) above, or of 25 days from the publication in the London Gazette of the notice under subsection (4) (d) above, or of any period specified in notices under subsection (6) above, notice in writing of an objection is received by the Secretary of State from any person on whom

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a notice is required to be served, or from any other person appearing to the Secretary of State to be affected by the order as prepared in draft, or as proposed to be altered, and the objection is not withdrawn, the Secretary of State, before making the order, shall either—

- (a) cause a local inquiry to be held; or
- (b) afford to the objector and to the Executive an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(n) (a)

The Secretary of State may recover from the Executive payment of administrative costs reasonably incurred by the Department of Transport in connection with an application for an order under this section, subject to a maximum payment in respect of any such application of £5,000.

- (b) This subsection has effect without prejudice to the provisions of section 250 (4) of the Local Government Act 1972, as having effect in accordance with section 27 (2) of this Act, for the payment of costs incurred in relation to an inquiry or hearing, but costs recoverable under those provisions shall not be recoverable under this subsection.
- (c) This subsection shall cease to have effect on the coming into operation of any public general statutory provision for the authorisation, by means of orders made by the Secretary of State, of new level crossings on railways.

(9) Subsection (3) of section 8 (Level crossings) of this Act shall apply to a level crossing authorised under this section as it applies to a crossing authorised by that section.

## **25 Railway at Handsworth authorised by Act of 1989**

Notwithstanding anything in the Act of 1989 or shown on the deposited plans and sections referred to in that Act, the Executive may construct the railway authorised as Work No. 9 by that Act without a viaduct to take it over the siding of the Smethwick Railway referred to in the description of that work in Part I of Schedule 1 to that Act, so that that railway may be taken, within the limits of deviation (both lateral and vertical) for that work provided in the Act of 1989, over Booth Street by means of a bridge and on the level across the said siding.

## **26 Amendment of Act of 1989**

(1) The Act of 1989 shall have effect subject to the following amendments consequential on the coming into operation of the relevant provisions of the Electricity Act 1989, the Water Industry Act 1991, the Water Resources Act 1991 and the Land Drainage Act 1991:—

- (a) In subsection (1) of section 2 (Interpretation)—
  - (i) after the definition of “the railways board” there shall be inserted—
 

“sewerage undertaker’ has the same meaning as in the Water Industry Act 1991”;
  - (ii) in the definition of “statutory undertakers”, for the words “the Central Electricity Generating Board, the Midlands Electricity Board, the water authority and the South Staffordshire Waterworks Company or any of them”, there shall be substituted the words “a licence holder under Part I of the Electricity Act 1989, the National Rivers Authority

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- and a water undertaker within the meaning of the Water Industry Act 1991 or any of such bodies”; and
- (iii) the definition of “water authority” shall be omitted;
- (b) In section 23 (Use of sewers, etc., for removing water)—
- (i) in subsections (1), (2) and (5), for the words “the water authority or a local authority” wherever occurring, there shall be substituted the words “the relevant authority”;
- (ii) for subsection (3) (a) there shall be substituted the following:—
- “(a) section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under this section into any controlled waters within the meaning given by section 104 of that Act as if this section were excluded from the reference to any local statutory provision mentioned in section 88 (1) (f) of that Act.”;
- (iii) in subsection (3) (b), for the words “the main river of the water authority”, there shall be substituted the words “a main river”, for the words “section 116 of the Land Drainage Act 1976”, there shall be substituted the words “section 72 of the Land Drainage Act 1991” and the words from “or forming part” to the end of that paragraph shall be omitted;
- (iv) in subsection (5), the words “, as the case may be,” shall be omitted; and
- (v) after subsection (5) there shall be inserted the following:—
- “(6) In this section “relevant authority” means a sewerage undertaker, the National Rivers Authority or a local authority.”;
- (c) In paragraph (1) of section 40 (For protection of public sewers), for the words “Schedule 19 of the Water Act 1989” there shall be substituted the words “the Water Industry Act 1991” and for the definition of “sewerage authority”, there shall be substituted:—
- ““sewerage authority” means a sewerage undertaker and any local authority which is a relevant authority for the purposes of section 97 of the Water Industry Act 1991”;
- (d) In paragraph (1) of section 41 (For protection of certain statutory undertakers), in the definition of “apparatus”—
- (i) for paragraph (a) there shall be substituted—
- “(a) electric lines or electrical plant within the meaning of Part I of the Electricity Act 1989 belonging to or maintained by licence holders under Part I of that Act,” and
- (ii) in paragraph (c) for the words “the water authority or the South Staffordshire Waterworks Company”, there shall be substituted the words “a water undertaker”.
- (2) Section 23 of the Act of 1989, as that section has effect in accordance with subsection (1) (b) above, is set out in Schedule 7 to this Act.

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## **27 Local inquiries**

- (1) Subject to subsection (2) below, subsections (2) to (5) of section 250 of the Local Government Act 1972 (which contain supplementary provisions with respect to local inquiries held in pursuance of that section) shall apply to local inquiries under this Act as they apply to inquiries under that section.
- (2) Subsection (4) of the said section 250 shall apply—
  - (a) in accordance with subsection (1) above, in relation to such local inquiries as are held with respect to any order under this Act as if the reference to a local authority in that subsection were a reference to the Executive; and
  - (b) in relation to any hearing arranged in pursuance of section 24 (7) (b) of this Act as if any reference in the said subsection (4) to a local authority were a reference to the Executive and any reference in that subsection to an inquiry included reference to such a hearing and as if, in the case of a hearing, the words “or party to the inquiry” and the words “or person”, in both places where they occur, were omitted.

## **28 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.

## **29 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 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

Section 4(1)(a).

#### THE AUTHORISED WORKS IN DUDLEY, SANDWELL, WALSALL AND WOLVERHAMPTON (THE BLACK COUNTRY ROUTE)

Note: In the following descriptions:—

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

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

“the Birmingham and Stafford Railway” means the Grand Junction Railway;

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

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

### PART I

#### DESCRIPTION OF WORKS SPECIFICALLY AUTHORISED

In the Metropolitan Borough of Wolverhampton—

Work No. 1—railway (804 metres in length) commencing at the junction of Lichfield Street with the northern side of Victoria Square, passing eastwards on that side of Victoria Square, across the Ring Road (St. David's), then southwards and eastwards on the northern side of Horseley Fields across Corn Hill and Bradshaw Street (stopped up), then north-eastwards, forming double lines of tramway (83 metres in length) along Union Mill Street to the north eastern end of that street, then over the Birmingham Canal (Wolverhampton level) and under the Birmingham and Wolverhampton Railway and terminating at a point on the former Wolverhampton and Walsall Railway 105 metres east of the eastern side of the bridge carrying Sun Street over that railway, including a bridge over the said Ring Road and a bridge over, and narrowing of, the said canal;

Work No. 1A—A railway (329 metres in length), forming a single line of tramway, commencing by a junction with Work No. 1 authorised by the Act of 1989 at a point in Bilston Street 40 metres west of the junction of Pipers Row with that street, passing north-eastwards and northwards along Pipers Row and terminating by a junction with Work No. 1 at a point 25 metres from the commencement of that work;

Work No. 1B—A widening on the eastern side of Pipers Row between a point 110 metres north of its junction with Bilston Street and a point 40 metres south of its junction with the southern side of Victoria Square;

Work No. 1C—An alteration of the alignment of the eastern carriageway of Ring Road (St. Davids) and Horseley Fields, commencing at a point in the said carriageway 20 metres north of the bridge carrying Railway Drive over the Ring Road, passing under that bridge and terminating at a point in Horseley Fields at its junction with Union Street, including

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a retaining wall on the eastern side of the ring road between a point beneath the southern side of the said bridge and a point 130 metres south thereof;

Work No. 1D—A widening of Union Mill Street on its south-eastern side between a point 20 metres north-east of its junction with Horseley Fields and the north-eastern end of Union Mill Street;

Work No. 2—railway (1,336 metres in length) commencing by a junction with Work No. 1 at its termination, passing eastwards and north-eastwards along the course of the former Wolverhampton and Walsall Railway, then eastwards to a point on the north-western side of the Wyrley and Essington Canal 25 metres south-west of the existing bridge carrying Dean’s Road over that canal, then north-eastwards along that side of that canal, over the tunnel of the Birmingham and Stafford Railway, and terminating at a point 219 metres north of the northern side of the said Dean’s Road bridge;

Work No. 2A—An alteration of the level and alignment of Dean’s Road, including a new bridge carrying that road over Work No. 2 and the Wyrley and Essington Canal, commencing at a point in that road 7 metres south of its junction with Wolverhampton Road and terminating at a point in Dean’s Road 20 metres north of its junction with Old Heath Road;

Work No. 2B—A cut, forming an alteration of the alignment of the Wyrley and Essington Canal, commencing at a point 63 metres north-east of the said bridge carrying Dean’s Road over that canal and terminating at a point 150 metres north-east of the said point of commencement;

Work No. 3—railway (983 metres in length) commencing by a junction with Work No. 2 at its termination passing north-eastwards on the south-eastern side of Wolverhampton Road as realigned (Work No. 3A), then across that road to its north-western side, passing north-eastwards on that side of that road to a point 20 metres west of its junction with Graisle Lane, then across Wolverhampton Road to its southern side, passing eastwards on that side of that road, then over the Wyrley and Essington Canal at a point 7 metres south of Rookery Bridge and terminating at a point 23 metres south-east of the south-eastern abutment of that bridge, including a bridge over that canal;

Work No. 3A—A new street, forming an alteration of the level and alignment of part of Wolverhampton Road, commencing at a point in that road 101 metres east of its junction with Church Street and terminating at a point 100 metres north-east of its junction with Coronation Road, including alteration of the said junction with Coronation Road;

Work No. 3B—A new street commencing by a junction with Work No. 3A at a point 45 metres south-west of the said existing junction with Coronation Road and terminating by a junction with the cul-de-sac (Wolverhampton Road, South) at its south-western end;

Work No. 4—railway (1,041 metres in length) commencing by a junction with Work No. 3 at its termination, passing eastwards on the southern side of Rookery Street, then south-eastwards across Hall Street (to be stopped up) and across Well Lane at a point 50 metres north of its existing junction with Hall Street, then passing eastwards and southwards across Neachells Lane at a point 100 metres north of the northern end of the bridge carrying that road over the former Wolverhampton and Walsall Railway, then eastwards along the course of the former Bentley Canal, then south-eastwards across Merrill’s Hall Lane at the southern end of the bridge carrying that road over that former canal, and terminating on the said former railway at a point 85 metres east of the bridge carrying Merrill’s Hall Lane over that railway;

Work No. 4A—A lowering of the level of Neachells Lane, including the removal of the bridge carrying that road over the former Bentley Canal, commencing at a point in that road 30 metres north of the northern end of that bridge and terminating 35 metres south of the southern end of that bridge;

In the Metropolitan Boroughs of Walsall and Wolverhampton—

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Work No. 5—railway (7,239 metres in length) commencing by a junction with Work No. 4 at its termination, passing south-eastwards and eastwards along the course of the former Wolverhampton and Walsall Railway, passing across Noose Lane, under a new footbridge for the footpath from Park Road to the Willenhall Memorial Park, under the existing bridges carrying Temple Bar and Cemetery Road over that former railway, then over St. Ann's Road, Stringes Lane and Clarkes Lane, then across Granbourne Road and over the M6 Motorway and Bloxwich Lane at a point 60 metres north of the junction of Bentley Lane with Bloxwich Lane, then over the existing subway for the footpath from Cavendish Road to Reedswood Park, then under the existing aqueduct and bridge carrying the Wyrley and Essington Canal and Green Lane over that former railway, then across Bloxwich Road, under the existing bridge carrying Proffitt Street over that former railway and across Mill Street (to be stopped up and footpath substituted) and terminating at a point 185 metres south-east of the existing bridge carrying Mill Street over that former railway, including new bridges over St. Ann's Road, Stringes Lane, Clarkes Lane, the M6 Motorway and Bloxwich Lane;

In the Metropolitan Borough of Walsall—

Work No. 6—railway (2,015 metres in length) commencing by a junction with Work No. 5 at its termination passing southwards partly on, and partly on the western side of, the existing South Staffordshire Railway, under the bridges carrying North Street, Littleton Street West, a multi-storey car park, St. Paul's Street, a department store, Park Street and Saddler Centre over that railway, over the bridge carrying that railway over Bridgeman Street and under the bridge carrying Corporation Street West over that railway, crossing on the level a railway siding to the engineering depot of the railways board at Corporation Street and terminating at a point 283 metres south of the said Corporation Street West bridge;

Work No. 6A—A railway (386 metres in length), forming a deviation of the existing South Staffordshire Railway, commencing by a junction with that railway at a point 11 metres north-east of the north-eastern side of the bridge carrying St. Paul's Street over that railway and terminating by a junction with that railway at a point 5 metres north-east of the north-eastern abutment of the bridge carrying that railway over Bridgeman Street;

Work No. 7—railway (1,221 metres in length) commencing by a junction with Work No. 6 at its termination, passing southwards partly on, and partly on the western side of, the existing South Staffordshire Railway to a point 90 metres north of the northern side of the bridge carrying Wednesbury Road over that railway, then passing westwards across a footpath, then north-westwards along the course of an access road forming part of the former Pleck Gasworks to a point on the southern bank of the Walsall Canal 105 metres east of the bridge carrying Pleck Road over that canal, then, partly elevated over the canal, along the southern side of that canal (Work No. 7A), across Pleck Road (Work No. 7B) and a footpath from Wellington Street to Woodward Road and across Scarborough Road (to be stopped up and footpath substituted) and terminating on the northern side of Darlaston Road as widened (Work No. 8A) at a point 108 metres west of the existing bridge carrying Scarborough Road over that canal;

Work No. 7A—A cut forming an alteration of the alignment of the Walsall Canal commencing at a point 158 metres north-east of the bridge carrying Pleck Road over that canal and terminating at a point 200 metres west of the existing bridge carrying Scarborough Road over that canal;

Work No. 7B—An alteration of the level and alignment of Pleck Road, including a new bridge carrying that road over the Walsall Canal, commencing at the junction of that road with Old Pleck Road and Wellington Street and terminating at a point in Pleck Road 55 metres north of the northern abutment of the existing bridge carrying that road over the canal;

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Work No. 8—railway (670 metres in length), forming double lines of tramway along Darlaston Road, commencing by a junction with Work No. 7 at its termination, passing under the bridge carrying the M6 motorway over that road and terminating on the northern side of Darlaston Road at a point 35 metres east of the bridge carrying that road over the River Tame;

Work No. 8A—A widening of Darlaston Road on its northern side between a point 60 metres west of its existing junction with Scarborough Road and a point 10 metres west of its junction with Hough Road;

Work No. 9—railway (1,046 metres in length) commencing by a junction with Work No. 8 at its termination, passing westwards over the River Tame at a point 20 metres north of the said bridge carrying Darlaston Road over that river, then passing across Cemetery Road at its junction (to be raised) with Bentley Mill Way, then on the northern side of Kendricks Road, over the Birmingham and Stafford Railway, then partly along the course of Kendricks Road (to be diverted), across Heath Road, then passing south-westwards along the course of the former Darlaston Loop Railway, across the footpath from Heath Road to The Flatts and terminating at a point 36 metres south of the southern corner of the building comprising Darlaston Public Baths, including bridges over the River Tame and over the Birmingham and Stafford Railway;

Work No. 9A—A new street, forming an alteration of the alignment of Kendricks Road, commencing at a point 110 metres east of its existing junction with Heath Road and terminating by a junction with that road at a point 10 metres south of the existing road junction;

In the Metropolitan Boroughs of Sandwell and Walsall—

Work No. 10—railway (2,776 metres in length) commencing by a junction with Work No. 9 at its termination, passing south-westwards, southwards and south-eastwards along the course of the former Darlaston Loop Railway (now the Darlaston Walkway), under the existing bridge carrying Bull Street over that walkway, across Walsall Road, Darlaston Road and Woden Road West, passing in existing tunnel under Holyhead Road, then, from a point 80 metres south-east of the south-eastern portal of that tunnel, passing on the western side of the course of the said former railway across a spur road (to be stopped up) off Holyhead Road, then along the course of that railway from a point 95 metres north-west of the bridge carrying Leabrook Road over that former railway, then under that bridge and the bridge carrying Victoria Street over that former railway and terminating at a point 27 metres south-east of that last-mentioned bridge;

In the Metropolitan Borough of Sandwell—

Work No. 11—railway (223 metres in length) commencing by a junction with Work No. 10 at its termination, passing south-eastwards across Potters Lane at its junction with Old Field Road (to be stopped up), turning southwards and terminating on the north-western side of the South Staffordshire Railway at a point 3 metres north of the northern side of the former Tipton Junction Bridge over that railway;

Work No. 11A—An Access road commencing by a junction with Potters Lane at a point 80 metres north-west of its existing junction with Old Field Road and terminating in Old Field Road at a point 30 metres south-west of that road junction;

Work No. 12—railway (1,766 metres in length) commencing by a junction with Work No. 11 at its termination, passing south-westwards and southwards on the western side of the South Staffordshire Railway, crossing on the level of the existing railway line off that railway to Loxdale Bridge at Tipton Junction, then passing over the River Tame and over the Tame Valley Canal at points 5 metres west of the bridges carrying the South Staffordshire Railway over that river and that canal, then over the Walsall Canal (Danks Branch) (to be filled) and over the Walsall Canal at a point 13 metres south of the bridge

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carrying Eagle Lane over that canal and terminating at a point on the western side of the South Staffordshire Railway 15 metres west of the south-western abutment of the bridge carrying that railway over the Walsall Canal, including bridges over the River Tame, the Tame Valley Canal and the Walsall Canal;

Work No. 12A—A railway (163 metres in length) commencing by a junction with Work No. 12 at a point 85 metres from the commencement of that work, passing westwards and north-westwards and terminating within the depot for the Metro authorised by the Act of 1989 at a point 185 metres south-west of the existing junction of Potters Lane with Old Field Road;

Work No. 13—railway (424 metres in length) commencing by a junction with Work No. 12 at its termination, passing south-westwards partly on, and partly on the north-western side of, the South Staffordshire Railway (to be realigned, Work No. 13A), under New Road and terminating on the north-western side of that railway at a point 150 metres south-west of the south-western side of the existing bridge carrying New Road over that railway;

Work No. 13A—A railway (393 metres in length), forming a deviation of the South Staffordshire Railway, commencing by a junction with that railway at a point 235 metres north-east of the north-eastern side of the existing bridge carrying New Road over that railway, passing under New Road and terminating by a junction with that railway at a point 135 metres south-west of the south-western side of that existing bridge;

Work No. 13B—An alteration of the level and alignment of New Road commencing at a point 40 metres south of the southern end of the existing bridge carrying that road over the South Staffordshire Railway and terminating at a point 30 metres south of the junction of Eagle Lane with that road, including a new bridge over the railways (Works Nos. 13 and 13A);

Work No. 14—railway (684 metres in length) commencing by a junction with Work No. 13 at its termination, passing south-westwards on the north-western side of the South Staffordshire Railway, under Horseley Road and terminating at a point 217 metres south-west of the south-western side of the existing bridge carrying Horseley Road over that railway;

Work No. 14A—An alteration of the level and alignment of Horseley Road commencing at a point in that road 25 metres south of the southern end of the existing bridge carrying that road over the South Staffordshire Railway and terminating at a point in that road 47 metres north of the northern end of that existing bridge, including a new bridge over the said railway and Work No. 14;

In the Metropolitan Boroughs of Dudley and Sandwell—

Work No. 15—railway (2,173 metres in length) commencing by a junction with Work No. 14 at its termination, passing southwards partly on, and partly on the north-western side of, the South Staffordshire Railway (to be realigned, Work No. 15A), passing under Lower Church Lane and Park Lane East, then under the existing bridges carrying the Birmingham and Wolverhampton Railway and the Birmingham Canal over the South Staffordshire Railway, then over Coneygree Road, Sedgeley Road East, the Birmingham Canal (Wolverhampton Level) and Birmingham New Road, then passing on the north-western side of the South Staffordshire Railway and terminating at a point 85 metres north-east of the north-eastern portal of the existing tunnel under Tipton Road;

Work No. 15A—A railway (2,153 metres in length), forming a deviation of the South Staffordshire Railway, commencing by a junction with that railway at a point 77 metres north-east of the north-eastern side of the existing bridge carrying Lower Church Lane over that railway, passing under that road and Park Lane East and, in tunnel for a distance of 40 metres, under the existing Birmingham and Wolverhampton Railway and the Birmingham Canal, then over Coneygree Road, Sedgeley Road East, the Birmingham Canal (Wolverhampton Level) and Birmingham New Road and terminating by a junction

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with the South Staffordshire Railway at a point 150 metres north-east of the north-eastern side of the bridge carrying Tipton Road over that railway, including bridges over Coneygree Road, Sedgeley Road East, the Birmingham Canal (Wolverhampton Level) and Birmingham New Road;

Work No. 15B—Alteration of the level and alignment of Lower Church Lane commencing at a point in that road 35 metres south of the southern end of the existing bridge carrying that road over the said South Staffordshire Railway and terminating at a point in that road 25 metres south of its junction with Bedford Street, including a new bridge over Works Nos. 15 and 15A;

Work No. 15C—Alteration of the level and alignment of Park Lane East commencing at a point in that road 30 metres east of its junction with Smith Place and terminating at a point 33 metres west of its junction with Station Street, including a new bridge over the said railway (Work Nos. 15 and 15A);

In the Metropolitan District of Dudley—

Work No. 16—railway (592 metres in length) commencing by a junction with Work No. 15 at its termination, passing south-westwards on the north-western side of the South Staffordshire Railway, through the existing tunnel under Tipton Road, then southwards and south-westwards across the former Dudley Freightliner Terminal and adjoining land and terminating at a point on the northern side of Castle Hill 110 metres west of its junction with Trindle Road;

Work No. 17—railway (419 metres in length) commencing by a junction with Work No. 16 at its termination, forming double lines of tramway (244 metres in length) along Castle Hill and Birmingham Street (North) to the end of that street at a point 20 metres from its junction with Bourne Street, then passing southwards through the Dudley Bus Station and adjoining land and terminating at a point on the northern side of Birmingham Street (South) at its junction with Trindle Road.

## PART II

### DESCRIPTION OF FURTHER WORKS AND POWERS

- (1) The Executive may, in the Metropolitan Borough of Wolverhampton—
  - (a) set back the footway and kerblines of Piper's Row on its eastern side between the points marked A1 and A2 on the deposited plans;
  - (b) set back the kerblines of Union Mill Street on its southern side between the points marked A3 and A4 on the deposited plans;
  - (c) stop up and discontinue so much of the footpath between Sun Street and Freeman Street as lies between the points marked A5 and A6 on the deposited plans, substituting therefor a new footpath between those points;
  - (d) stop up and discontinue the footpath and the pedestrian subway under the former Wolverhampton and Walsall Railway between the points marked A7 and A8 on Sheet 3 of the deposited plans;
  - (e) stop up and discontinue so much of the northern end of the road between the cul-de-sac (Wolverhampton Road, South) and Wolverhampton Road as lies between the points marked A8 and A9 on Sheet 4 of the deposited plans; and
  - (f) stop up and discontinue so much of Hall Street as lies between the points marked A11 and A12 on the deposited plans.
- (2) The Executive may, in the Metropolitan Borough of Walsall—
  - (a) stop up and discontinue so much of the footpath between Park Road and the Willenhall Memorial Park as lies between the points marked B1 and B2 on the

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- deposited plans and remove the existing footbridge, substituting therefor a new footpath between those points, including a new footbridge over Work No. 5;
- (b) stop up and discontinue so much of the footpath between Temple Bar and St. Ann's Road as lies between the points marked B3 and B4 on the deposited plans, substituting therefor new footpaths between the points so marked B3 and B5 and between the points so marked B6 and B4 and extending the existing footpath to New Hall Street from the point so marked B7 to the point so marked B8;
- (c) stop up and discontinue so much of the footpath between St. Ann's Road and Stringes Lane as lies between the points marked B9 and B10 on the deposited plans;
- (d) stop up and discontinue so much of the footpath between St. Ann's Road and Stringes Lane north of South Street as lies between the points marked B9 and B11 on the deposited plans substituting therefor a new footpath between the points so marked B9 and B12; and
- (e) lower the level of so much of the footpath between Brewer Street and Mill Street as lies between the points marked B13 and B14 on the deposited plans and remove the existing bridge carrying Mill Street over the course of the former Wolverhampton and Walsall Railway.
- (3) The Executive may, in the Metropolitan Borough of Walsall—
- (a) stop up and discontinue so much of Scarborough Road as lies between the points marked C1 and C2 on the deposited plans and remove the existing bridge carrying that road over the Walsall Canal, substituting therefor a footpath between those points and a new footbridge over the canal;
- (b) set back the footway and kerbline on so much of the northern side of Darlaston Road as lies between the points marked C3 and C4 on the deposited plans;
- (c) set back the kerbline on so much of the northern side of Darlaston Road as lies between the following points marked on the deposited plans:—  
C5 and C6;  
C7 and C8 including so much thereof as lies beneath the bridge carrying the M6 motorway over that road; and
- (d) raise the level of roads at the junction of Cemetery Road, Kendricks Road and Bentley Mill Way between the points marked C9, C10, C11, C12 and C13 on the deposited plans.
- (4) The Executive may, in the Metropolitan Borough of Walsall—
- (a) stop up and discontinue the footpaths along or across the course of the former Darlaston Loop Railway, now comprising the Darlaston Walkway, between the points marked on the deposited plans specified in column (1) of the following table, substituting therefor new footpaths between the points so marked specified in column (2) of that table:—

<i>Footpaths to be stopped up (1)</i>	<i>Footpaths to be substituted (2)</i>
D1 and D2	D1 and D5D5 and D2
D2 and D3D2 and D4	D5 and D6
D2 and D7	D2 and D8D9 and D7
D12 and D13D16 and D17	D14 and D15
D18 and D19	D18 and D20

; and

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- (b) stop up and discontinue so much of each of the footpaths across or joining that walkway, from Station Street or Avenue Road to Victoria Road or Crescent Road, as lies between the following points marked on the deposited plans:—  
     D10 and D11  
     D12 and D13  
     D16 and D17;  
 and provide a new footpath from Avenue Road to that walkway between the points so marked D14 and D15.
- (5) The Executive may, in the Metropolitan Borough of Sandwell, stop up and discontinue—  
 (a) the spur road on the south-western side of Holyhead Road between the points marked E1 and E2 on the deposited plans;  
 (b) so much of Potters Lane as lies between the points marked E3 and E4 on the deposited plans;  
 (c) Smith Road west from the point marked E5 on the deposited plans;  
 (d) so much of Eagle Lane as lies between the points marked E6 and E7 on the deposited plans, substituting therefor a new footpath between those points; and  
 (e) Keelinge Street between the points marked E8 and E9 on the deposited plans.
- (6) The Executive may, in the Metropolitan Borough of Dudley—  
 (a) stop up and discontinue the access road to the former Dudley Freightliner Terminal between the points marked F1 and F2 on the deposited plans;  
 (b) set back the kerbline on the eastern side of Birmingham Street (North) between the points marked F3 and F4 on the deposited plans; and  
 (c) set back the kerbline on the western side of Birmingham Street (North) between the points marked F5 and F6 on the deposited plans.
- (7) (a) In this paragraph “the specified building” is the building known as Bentley’s Wine Bar, off Castle Street in the Metropolitan Borough of Dudley, forming part of the lands shown on the deposited plans numbered 23 in Dudley.  
 (b) The Executive may remove so much of the north-eastern extension of the specified building as is within 7.5 metres of the centre line of the railway (Work No. 16) shown on the deposited plans, subject to the restoration of the remainder of the north-eastern side of the building to the reasonable satisfaction of the local planning authority.

## SCHEDULE 2

Section 4(1)(b).

### THE AUTHORISED WORKS IN BIRMINGHAM, SOLIHULL AND NORTH WARWICKSHIRE (THE BIRMINGHAM/SOLIHULL ROUTE)

#### PART I

##### *DESCRIPTION OF WORKS SPECIFICALLY AUTHORISED*

In the City of Birmingham—

Work No. 21—railway (2,962 metres in length) commencing beneath a point in Hagley Road 150 metres south-west of the centre of the Five Ways roundabout, passing in tunnel north-eastwards and eastwards and terminating in the central reserved area in Jennens Road at a point 65 metres east of the junction of Duke Street with that road;



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Work No. 21A—A subway commencing in New Street Station, passing beneath Stephenson Place, New Street and Corporation Street and terminating at the station tunnel of Work No. 21 beneath land on the eastern side of Corporation Street;

Work No. 22—railway (611 metres in length), forming double lines of tramway, commencing by a junction with Work No. 21 at its termination, passing north-eastwards along the central reserved area in Jennens Road, then by means of a flyover over Ashted Circus and along the central reserved area between the two carriageways of Nechells Parkway, then turning northwards to the northern side of that road and there terminating at a point 210 metres north of the junction of Windsor Street with that road;

Work No. 22A—An alteration of the alignment and level of the westbound carriageway of Nechells Parkway commencing at a point 30 metres north of its said junction with Windsor Street and terminating 269 metres north-east of that point of commencement;

Work No. 23—railway (986 metres in length) commencing by a junction with Work No. 22 at its termination, passing northwards across Great Lister Street at a point 15 metres west of its junction with Rupert Street, then north-eastwards on the western side of Rupert Street, across the access road to the Windsor Industrial Estate and across Avenue Road, then passing north-westwards and north-eastwards over Rocky Lane at a point 35 metres west of its junction with Walter Street and terminating at a point 22 metres north of the northern side of Rocky Lane, including a bridge over Rocky Lane;

Work No. 23A—An alteration of the level of the said access road to the Windsor Industrial Estate commencing at its junction with Rupert Street and terminating at a point 65 metres west of that road junction, including alteration of the level of Rupert Street at that junction;

Work No. 23B—An alteration of the level of Avenue Road commencing at its junction with Rupert Street and terminating at a point 111 metres west of that road junction, including alteration of the level of Rupert Street at that junction;

Works Nos. 24 and 24D—A railway (1,458 metres in length) commencing by a junction with Work No. 23 at its termination, passing north-eastwards along the course of the former Aston Gasworks Railway and over Thimble Mill Lane, then passing (from chainage 630 as Work No. 24D substituted for part of Work No. 24) under the existing Birmingham and Stafford Railway and the Stechford and Aston Railway to the western side of Holborn Hill at its junction with Plume Street, then forming double lines of tramway (122 metres in length) passing across Holborn Hill at that point and along Plume Street to a point 111 metres from its said junction with Holborn Hill, then passing eastwards across the Plume Street canal basin, then along the course of the Hockley Brook (to be culverted) from the western side of the existing bridge over that stream 60 metres north-west of the junction of Long Acre with Chattaway Street, then continuing (as Work No. 24 from chainage 1078) north-eastwards on the north-western side of Long Acre, across Plume Street and Salford Street at points 7 metres from the junction of each of those roads with Long Acre, passing across Cuckoo Road at a point 15 metres south of its junction with Jameson Road and terminating at a point 23 metres north-east of that road junction, including a bridge over Thimble Mill Lane and bridges under the said Birmingham and Stafford Railway and Stechford and Aston Railway;

Work No. 24A—A culvert to enclose the Hockley Brook, commencing at a point on the western side of the said existing bridge over the stream 60 metres north-west of the junction of Long Acre with Chattaway Street and terminating at a point 75 metres north of that road junction;

Work No. 24E—A widening of Plume Street on its south-eastern side between points 90 metres and 128 metres from its junction with Holborn Hill;

Work No. 24B—An alteration of the level of Plume Street commencing at its junction with Long Acre and terminating at a point 53 metres north-west of that road junction, including alteration of the level of Long Acre at that junction;

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Work No. 24C—An alteration of the level of Salford Street commencing at its junction with Long Acre and terminating at a point 57 metres north-west of that road junction, including alteration of the level of Long Acre at that junction;

Work No. 25—railway (1,402 metres in length) commencing by a junction with Work No. 24 at its termination, passing south-eastwards across an existing development site, over Premier Street, over the Grand Union Canal at a point 70 metres north of the junction of Argyle Street with Wharton Street and across Watson Road at a point 60 metres south-west of its junction with Jarvis Way, then eastwards along the northern bank of the River Rea, then south-eastwards on viaduct, over the culvert enclosing, and carrying the former Washwood Heath Railway Sidings over, that river and over the existing Birmingham and Derby Railway, and terminating at a point 113 metres south-east of the centre of the north-eastern end of the said culvert, including the said viaduct and bridges over Premier Street and the Grand Union Canal;

Work No. 25A—A railway (1,167 metres in length) commencing by a junction with Work No. 25 at a point 210 metres from the south-eastern side of its crossing of Watson Road, passing south-eastwards over the said culvert enclosing the River Rea and under the viaduct (part of Work No. 25), then north-eastwards along the south-eastern bank of the Rivers Rea and Tame, under the viaduct carrying the M6 motorway over that last-mentioned river north-east of the confluence of those rivers and terminating at a point 80 metres south-west of the western bank of the River Tame 170 metres north-west of the northern side of the bridge carrying the said Birmingham and Derby Railway over that river, forming, with sidings off the railway, a depot for the Metro with road access thereto from Tyburn Road by way of Jarvis Way, an industrial estate road and Work No. 25B;

Work No. 25B—An access road between an industrial estate road leading to Jarvis Way and the intended depot (Work No. 25A), commencing at a point in that industrial estate road at its junction with Hanover Drive, passing eastwards over the River Tame on the northern side of the viaduct carrying the M6 motorway over that river and terminating at a point in the said depot 35 metres east of the eastern bank of that river, including a bridge over that river.

Work No. 26—railway (3,316 metres in length) commencing by a junction with Work No. 25 at its termination, passing north-eastwards along the southern side of the said Birmingham and Derby Railway, over the River Tame at a point 17 metres south-east of the southern side of the said bridge carrying that railway over that river, then under Bromford Lane, then passing eastwards over the River Tame at a point 65 metres south-west of the western end of the southern side of the bridge carrying the M6 motorway over the said railway, then passing on the southern side of that motorway and terminating at a point 20 metres south of that side of the motorway 150 metres west of the western end of the bridge carrying that motorway over Newport Road, including two bridges over the River Tame;

Work No. 26A—An alteration of the level of Bromford Lane commencing at the northern abutment of the bridge carrying that road over the said Birmingham and Derby Railway and terminating at a point 85 metres south of the southern abutment of that bridge, including a new bridge over Work No. 26;

In the City of Birmingham and the Metropolitan Borough of Solihull, parishes of Castle Bromwich, Chelmsley Wood, Fordbridge, Kingshurst and Smiths Wood—

Work No. 27—railway (7,475 metres in length) commencing by a junction with Work No. 26 at its termination, passing south-eastwards on viaduct over the junction of Newport Road with a slip road from the M6 motorway, then eastwards in tunnel for a distance of 550 metres under Castle Hill and Collector Road, then eastwards and north-eastwards on the southern side of that road, passing in tunnel for a distance of 188 metres under Parkfield Drive, then continuing north-eastwards, eastwards, south-eastwards and southwards on the southern, south-western and western side of Collector Road, under Water Orton Road

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at a point 50 metres south-west of the south-western abutment of the bridge carrying that road over Collector Road, under a service road between Collector Road and Lanchester Way, then under a slip road and the gyratory road of the roundabout at the junction of Birmingham Road with Collector Road, then across Chester Road on the western side of its junction with Collector Road and Moorend Avenue, then passing on the western side of Moorend Avenue, over the River Cole and under the gyratory road of the roundabout at the junction of that road with Chelmsley Road, then along the southbound carriageway (to be stopped up) of Moorend Avenue and terminating at a point 28 metres north of the central reserved area of the roundabout at Pine Square, including the said viaduct and bridges under Water Orton Road, under the said service road, under a slip road and the gyratory road of the roundabout at the junction of Birmingham Road with Collector Road, over the River Cole and under the gyratory road of the roundabout at the junction of Chelmsley Road with Moorend Avenue;

In the Metropolitan Borough of Solihull, parish of Fordbridge—

Work No. 27A—A new street forming a diversion of the eastbound carriageway of Chester Road at its junction with Collector Road and Moorend Avenue, commencing at a point in that carriageway 75 metres east of the centre of the existing roundabout at that road junction and terminating at a point in that road 115 metres north-west of the centre of that roundabout, including a narrowing of Chester Road at the north-western side of its junction with Collector Road;

Work No. 27B—A new street forming a diversion of the northbound carriageways of Collector Road and Moorend Avenue at the junction of those roads with Chester Road, commencing at a point in that carriageway of Collector Road 280 metres north of the centre of the said roundabout at that road junction and terminating at a point in that carriageway of Moorend Avenue 115 metres south of the centre of that roundabout, including a narrowing of Collector Road at the north-western side of its junction with Chester Road;

In the Metropolitan Borough of Solihull, parish of Chelmsley Wood—

Work No. 27C—A new street for access to an electricity substation on the eastern side of Moorend Avenue at its junction with Chelmsley Road, commencing by a junction with the gyratory road of the roundabout at that road junction at a point 30 metres north-east of the junction of the existing southbound slip road with the southbound carriageway of Moorend Avenue and terminating by a junction with the access road which joins the eastern side of that carriageway 55 metres south of the said slip road;

Work No. 27D—A new street forming a carriageway for southbound traffic on the said roundabout, commencing by a junction with the gyratory road of the roundabout at its junction with the said southbound slip road to Moorend Avenue and terminating by a junction with the northbound carriageway of Moorend Avenue at its junction with the northbound slip road to that roundabout;

Work No. 27E—A new street forming a carriageway for southbound traffic on the roundabout at the junction of Moorend Avenue with Pine Square, commencing by a junction with the northbound carriageway of Moorend Avenue at its junction with the northbound slip road from that roundabout and terminating by a junction with the gyratory road of the roundabout at its junction with the existing southbound slip road from Moorend Avenue;

In the Metropolitan Borough of Solihull, parishes of Bickenhill and Chelmsley Wood and in the County of Warwickshire, Borough of North Warwickshire, parish of Coleshill—

Work No. 29—railway (1,559 metres in length) commencing at a point on the south-western side of Chester Road 100 metres south-east of the centre of the central reserved area of the roundabout at the junction of that road with Coleshill Heath Road, passing

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south-eastwards on the south-western side of Chester Road to a point 245 metres north of the centre of the roundabout at its junction with Solihull Parkway and North Way, then passing southwards and south-westwards, under Solihull Parkway on the western side of that roundabout and partly on, and partly on the eastern side of, the course of the existing Blackfirs Lane and terminating at a point 330 metres from the existing junction of that road with Solihull Parkway, including a bridge under Solihull Parkway;

Work No. 29A—An alteration of the alignment of Chester Road commencing at a point 225 metres south-east of the junction with that road of the access road to Brickfield Farm and terminating at the bifurcation of the slip roads of Chester Road on the northern side of the said roundabout at its junction with Solihull Parkway and North Way;

In the Metropolitan Borough of Solihull, parish of Bickenhill—

Work No. 30—railway (2,200 metres in length) commencing by a junction with Work No. 29 at its termination, passing southwards and south-eastwards, partly on viaduct, across the car park of the National Exhibition Centre, then over North Avenue and North Way, continuing south-eastwards and southwards on the eastern side of North Way, over the East Car Park Approach Road, then on the eastern side of Pendigo Way to the junction of that road with Eastway, then passing south-westwards over that road junction to a point east of Pendigo Lake, then passing under Pendigo Way at a point 35 metres west of its easternmost junction with South Car Park Road and terminating at a point 125 metres south-west of that road junction, including the said viaduct;

Work No. 31—railway (1,229 metres in length) commencing by a junction with Work No. 30 at its termination, passing south-westwards then north-westwards, in tunnel for a distance of 634 metres from a point on the south-western side of South Car Park Road 110 metres south-east of its westernmost junction with Pendigo Way, under Forum Way and the existing Birmingham and Coventry Railway to a point in the western forecourt of Birmingham International Station 78 metres north-west of the entrance from that forecourt to the pedestrian subway under the railway at the southern end of that station, passing north-westwards between the carriageways of that forecourt and under the Maglev Railway of Birmingham Airport, across the roundabout at the north-western end of that road and under Bickenhill Lane, then passing south-westwards under the viaduct carrying the said Maglev Railway over Airport Way and terminating at a point 75 metres south-west of the western side of that viaduct on the southern side of Airport Way;

Work No. 31A—An alteration of the alignment and level of the westbound carriageway of the said station forecourt on the south-western side of the said station, commencing at a point 80 metres north-west of the said subway entrance and terminating at a point 265 metres from that commencement;

Work No. 31B—An alteration of the alignment and level of the eastbound carriageway of the said station forecourt, commencing at a point 72 metres north-west of the said subway entrance and terminating at a point 265 metres from that commencement;

Work No. 31C—An alteration of the level of Bickenhill Lane commencing at a point 6 metres south-west of the south-western abutment of the bridge carrying that road over the said Birmingham and Coventry Railway and terminating 99 metres south-west of that commencement, including a new bridge over Work No. 31.

## PART II

### *DESCRIPTION OF FURTHER WORKS AND POWERS*

- (1) The Executive may, in the city of Birmingham—
  - (a) stop up and discontinue the pedestrian subways under The Priory Queensway between the following points marked on the deposited plans:—

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G1 and G2  
G3 and G4  
G5 and G6  
G7 and G8;

- (b) stop up and discontinue the existing tunnel and ramp in the central reserved area of Jennens Road between the points marked G9 and G10 on the deposited plans;
- (bb) set back the footway and kerblin on so much of the south-eastern side of Plume Street as lies between the points marked G15 and G17 shown on Sheet No. 58A of the deposited plans and divert the footway to the line so shown between the points marked G15, G16 and G17;
- (bbb) fill in the Plume Street canal basin of the Birmingham and Fazeley Canal south-east of Plume Street and the entrance to that basin under Plume Street between the points marked G13 and G14 shown on Sheet No. 58A of the deposited plans;
- (c) stop up and discontinue so much of the footpath between the 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 G11 and G12 on the deposited plans, substituting therefor a new footpath between those points;
- (d) on land lying south of the M6 motorway and north of Bromford Drive, Chillinghome Road and Wanderer Walk—
  - (i) stop up and discontinue the footpaths between the points marked on the deposited plans specified in column (1) of the following table, substituting therefor new footpaths between the points so marked specified in column (2) of that table:—

<i>Footpaths to be stopped up</i>	<i>Footpaths to be substituted</i>
H1 and H2	H3 and H4
H5 and H6	H5 and H6
H9 and H8	H9 and H8
H10 and H11	H10 and H13
H11 and H12	H13 and H12

- (ii) lower the level of the footpath at the said point marked H8 where it crosses Work No. 26;
  - (iii) stop up and discontinue the footpath between the points marked H7 and H9 on the deposited plans; and
  - (iv) raise the level of so much of the footpath leading to the eastern end of Bromford Drive as lies between the points marked H14 and H15 on the deposited plans.
- (2) The Executive may, in the Metropolitan Borough of Solihull, parishes of Castle Bromwich and Smiths Wood—
- (a) stop up and discontinue so much of the service road on the southern side of Collector Road west of its junction with Parkfield Drive as lies between the points marked H16 and H17 on the deposited plans, substituting therefor a new service road between the points so marked H18 and H17; and
  - (b) stop up and discontinue so much of the access road between Collector Road and Auckland Drive as lies between the following points marked on the deposited plans:—
    - H19 and H25

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H21 and H24

H23 and H24.

- (3) The Executive may, in the Metropolitan Borough of Solihull, parishes of Chelmsley Wood and Fordbridge—
- (a) stop up and discontinue so much of the footpath between Cole Valley Park and Clopton Crescent as lies between the points marked J1 and J2 on the deposited plans, substituting therefor a new footpath between those points;
  - (b) stop up and discontinue so much of the slip roads and carriageways of or between Collector Road and Chester Road at the junction of those roads as lies between the following points on the deposited plans:—
    - J3 and J6
    - J4 and J5;
  - (c) stop up and discontinue so much of the footpaths between Moorend Avenue and Meriden Park as lies—
    - (i) on the northern side of the River Cole, between the points marked J9 and J7 and J8 and J7 on the deposited plans, substituting therefor a new footpath between the points so marked J11, J7 and J10; and
    - (ii) on the southern side of the River Cole, between the points marked J14 and J12 and J13 and J12, substituting therefor a new footpath between the points so marked J15, J12 and J13.
  - (d) lower the level of so much of the footpath between Moorend Avenue and Meriden Park as lies between the points marked K1 and K2 on the deposited plans.
  - (e) stop up and discontinue so much of the southbound sliproads and carriageway of Moorend Avenue between its junctions with Chelmsley Road and Pine Square as lies between the points marked K3 and K4 on the deposited plans.
- (4) The Executive may, in the Metropolitan Borough of Solihull, parish of Bickenhill—
- (a) stop up and discontinue the access paths to Chester Road from two houses on the south-western side of that road north-east of its junction with Solihull Parkway and North Way between the points marked L44 and L45 on the deposited plans, substituting therefor a new access path with a single access to Chester Road;
  - (b) stop up and discontinue Blackfirs Lane between the points marked M1 and M2 on the deposited plans and form a footpath between those points; and
  - (c) provide a new access from the western forecourt of Birmingham International Station to the car park on the western side of that forecourt at the point marked N on the deposited plans.

### SCHEDULE 3

Section 8(1).

#### RAILWAY CROSSINGS IN HIGHWAYS

##### *black country route*

In the Metropolitan Borough of Wolverhampton—

Corn Hill

New Street between Wolverhampton Road and Wolverhampton Road (South) (Work No. 3B)

Wolverhampton Road at access to New Cross Hospital

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Access road to New Cross Hospital  
Wolverhampton Road at junction with Graisle Lane  
Well Lane  
Neachells Lane  
Merill's Hall Lane  
In the Metropolitan Borough of Walsall—  
Noose Lane  
Substituted footpath between New Hall Street and Cemetery Road  
Granbourne Road  
Bloxwich Road  
Substituted footpath between Mill Street and Brewer Street  
Footpath (FP 88) between Wednesbury Road and Corporation Street West  
Pleck Road  
Footpath between Woodward Road and Wellington Street  
Substituted footpath between Scarborough Road and Darlaston Road  
Cemetery Road  
Heath Road  
Footpath between The Flatts and Heath Road  
Substituted footpath between Victoria Road and Station Street  
Walsall Road  
Darlaston Road  
Footpath (FP 5) between Lodge Road and Eldonwall Estate  
In the Metropolitan Borough of Walsall and Sandwell—  
Woden Road West  
In the Metropolitan Borough of Sandwell—  
Substituted footpath between Eagle Lane and Bagnall Street

*Birmingham/Solihull Route*

In the City of Birmingham—  
Great Lister Street  
Access road to Windsor Industrial Estate  
Avenue Road  
Plume Street  
Salford Street  
Cuckoo Road  
Watson Road  
Footpath between Bromford Drive and land under M6 motorway  
Footpath on land south of M6 motorway north of Larkspur Croft  
Access road between pumping station and Chillinghome Road  
Footpath on land south of M6 motorway north of Hyperion Road  
In the Metropolitan Borough of Solihull (Parish of Smiths Wood)—  
Footpath between subway under Collector Road and Auckland Drive at junction with  
Nightingale Avenue  
In the Metropolitan Borough of Solihull (Parish of Fordbridge)—  
Chester Road

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Substituted footpath between Moorend Avenue and Meriden Park, north of the River Cole  
 In the Metropolitan Borough of Solihull (Parish of Chelmsley Wood)—  
 Substituted footpath between Moorend Avenue and Meriden Park, south of the River Cole  
 Access road between Moorend Avenue and Meriden Park  
 Footpath between subway under Moorend Avenue and Meriden Park  
 In the Metropolitan Borough of Solihull (Parish of Bickenhill)—  
 Access junction north of western forecourt of Birmingham International Station

## SCHEDULE 4

Section 9(1).

### STREETS AFFECTED BY UNDERGROUND RAILWAYS

#### PART I

##### STREETS IN WHICH WORKS MAY BE CARRIED OUT AND PERMANENT OPENINGS MADE

In the City of Birmingham—

- Five Ways
- Broad Street
- Fletchers Walk
- Victoria Square
- Stephenson Place
- Corporation Street
- New Street
- Old Square
- Jennens Road

In the Metropolitan Borough of Solihull (Parish of Bickenhill)—

- Western forecourt of Birmingham International Station

#### PART II

##### OTHER STREETS IN WHICH WORKS MAY BE CARRIED OUT

In the City of Birmingham—

- Oozells Street
- Berkley Street
- Paradise Circus Queensway
- Paradise Street
- Stephenson Street
- The Priory Queensway
- Old Cross Street
- Lawrence Street
- Duke Street

In the Metropolitan Borough of Solihull (Parish of Castle Bromwich)—



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Emergency Road from Collector Road  
Collector Road  
Parkfield Drive

In the Metropolitan Borough of Solihull (Parish of Bickenhill)—  
South Car Park Road

SCHEDULE 5

Section 13(b).

**PART I**

ADDITIONAL LANDS WHICH MAY BE ACQUIRED OR USED BLACK COUNTRY ROUTE

Purpose	Location	Lands numbered on the deposited plans
(1)	(2)	(3)
In the Metropolitan Borough of Wolverhampton		
For the provision of a working site for construction purposes.	Ring Road St. David's	6.
In the Metropolitan Borough of Walsall		
For the provision of a working site for construction purposes and access.	Land adjoining Stringes Lane and Charles Street, Willenhall.	18.
For the provision of a working site for construction purposes, access and car parking.	Clarkes Lane and adjoining land, Willenhall.	20 and 21.
For the provision of a working site for construction purposes.	Land north of Work No.5 on the western side of the M6 motorway.	26 and 27.
For the provision of a working site for construction purposes and landscaping.	Land south of Work No.5 on the western side of the M6 motorway.	26 and 27.
For the provision of a working site for construction purposes and landscaping.	Land between Bloxwich Lane and the M6 motorway.	28.
For the provision of a working site for construction purposes, access and landscaping.	Land adjoining Bloxwich Lane and the M6 motorway.	28, 29, 30 and 31.
For the provision of a working site for construction purposes and access.	Land adjoining Cannon Street North, North Walsall.	42 and 44.

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Purpose	Location	Lands numbered on the deposited plans
(1)	(2)	(3)
For the provision of a working site for construction purposes.	Land adjoining North Street, North Walsall.	50.
For the provision of a station access and landscaping.	Land south-east of Portland Street, North Walsall.	53.
For the provision of station access and access for construction.	Land south-east of Station Street, Walsall.	71, 71a and 72.
For the provision of a working site for construction purposes.	Land adjoining Wellington Street, Pleck.	108.
In the Metropolitan Borough of Sandwell		
For the provision of a working site for construction purposes, access, landscaping and interchange.	Land adjoining Holyhead Road, Wednesbury.	4, 5 and 6.
For the provision of a working site for construction purposes, access and landscaping.	Land south-west of Holyhead Road.	5.
For the provision of a working site for construction purposes and access.	Potters Lane and Charles Street.	15, 21 and 22.
For the provision of a working site for construction purposes.	Land adjoining Bagnall Street.	57, 58 and 59.
For the provision of a working site for construction purposes, access, landscaping and car parking.	Land adjoining Park Lane East.	109, 115, 116 and 117.
For the provision of a working site for construction purposes, access, landscaping and car parking.	Land at Station access road, Dudley Port.	117, 120 and 121.
For the provision of a working site for construction purposes, access and landscaping.	Land east of Jays Avenue.	126.
For the provision of a working site for construction purposes and access.	Land adjoining Peel Street.	168.

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Purpose	Location	Lands numbered on the deposited plans
(1)	(2)	(3)
For the provision of a working site for construction purposes and access.	Mayfair Gardens and Binfield Street and adjoining land.	175a, 175b, 175c and 176.
For the provision of a working site for construction purposes.	Sedgley Road East and adjoining land.	174, 179 and 181.
For the provision of a working site for construction purposes.	Part of Birmingham Canal, Wolverhampton Level and adjoining land.	181, 184 and 185.
In the Metropolitan Boroughs of Sandwell and Dudley		
For the provision of a working site for construction purposes.	Land at Birmingham New Road.	185, 200 and 201 in Sandwell and 1 and 3 in Dudley.
BIRMINGHAM/SOLIHULL ROUTE		
In the City of Birmingham		
For the provision of a working site for construction purposes.	Land adjoining Cambridge Street.	103.
For the provision of a working site for construction purposes.	Land adjoining Masshouse Circus Queensway, Chapel Street and Jennens Road.	291a.
For the provision of a working site for construction purposes.	Land adjoining Coleshill Street.	294.
For the provision of a working site for construction purposes.	Coleshill Street, Jennens Road and adjoining land.	294, 295 and 296.
For the provision of a working site for construction purposes and station access.	Thimble Mill Lane and adjoining land.	323 and 325.
For the provision of a working site for construction purposes and access to interchange.	Lichfield Road, Thimble Mill Lane and Holborn Hill and land adjoining south-western side of Holborn Hill.	326A, 327A, 328A, 329A, 330A, 331A, 332A, 333A, 410, 411 and 419A.
For the provision of accommodation works for access to adjoining premises.	Land adjoining Plume Street (north-western side).	413 and 414.
For the provision of a working site for construction purposes.	Land adjoining Plume Street (south-eastern side).	338A.

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Purpose (1)	Location (2)	Lands numbered on the deposited plans (3)
For the provision of a working site for construction purposes.	Land adjoining Plume Street (south-western side).	339A.
For the provision of access to the intended Depot.	Jarvis Way and adjoining land and land under the M6 motorway.	379, 380, 381, 382, 383, 385, 386, 387.
In the Metropolitan Borough of Solihull (Parish of Castle Bromwich)		
For the provision of a station access.	Land adjoining Parkfield Drive.	8.
In the Metropolitan Borough of Solihull (Parish of Smiths Wood)		
For the provision of a working site for construction purposes and landscaping.	Land adjoining Auckland Drive between Kingfisher Drive and Skye Close.	1, 4 and 7.
For the provision of a working site for construction purposes and landscaping.	Land adjoining Auckland Drive between Sanda Croft and Birmingham Road.	7.

## PART II

### LANDS OF WHICH TEMPORARY POSSESSION ONLY MAY BE TAKEN

Area (1)	Lands numbered on the deposited plans (2)
In the Metropolitan Borough of Walsall	26, 27, 50 and 108.
In the Metropolitan Borough of Sandwell	57, 58, 59, 168, 179, 181, 184, 200 and 201.
In the Metropolitan Borough of Dudley	1 and 3.
In the City of Birmingham	103, 291a, 294, 295 and 296.
In the Metropolitan Borough of Solihull parish of Smiths Wood	1 and 7.

## SCHEDULE 6

Section 16.

### LANDS IN WHICH SUBSOIL ONLY MAY BE ACQUIRED

No. on deposited plans (1)	Location (2)
In the City of Birmingham	

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No. on deposited plans (1)	Location (2)
1 to 7 and 10	Hagley Road at Five Ways.
11 and 12, 14 to 46, 48 to 88	Broad Street between Five Ways and Oozells Street.
89 to 110 and 110a, 111 to 116, 118 to 125 and 125a, 126 and 127	Broad Street, between Oozells Street and Paradise Street.
117, 128 to 150, 152 to 164, 166 to 191 and 191a, 192, 192a, 193, 193a, 194, 194a, 195a, 196, 196a, 196b, 197, 197a, 198, 198a, 199, 199a, 200, 200a, 201, 201a, 202, 202a, 203, 203a, 204 and 225a	Paradise Street to Corporation Street.
206 to 218, 218a, 219a, 220, 220a and 221 to 256	Corporation Street to Old Square.
258 to 290	Old Square to Jennens Road.
In the Metropolitan Borough of Solihull (Parish of Castle Bromwich)	
2	Newport Road to Collector Road.
In the Metropolitan Borough of Solihull (Parish of Bickenhill)	
29, 30 and 32	Forum Way to Station Forecourt.

## SCHEDULE 7

Section 26.

Section 23 of the Midland Metro Act 1989 as having effect in accordance with section 26 of this Act.

“**23** (1) The Executive may use for the discharge of any water pumped or found during the construction of the authorised works any available stream or watercourse, or any sewer or drain of the relevant authority in or through whose area or district the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation.

(2) (a)

The Executive shall not—

- (i) discharge any water into any sewer or drain vested in or under the control of the relevant authority except with the consent of that authority and subject to such terms and conditions as that authority may reasonably impose; or
  - (ii) make any opening into any such sewer or drain except in accordance with plans approved by, and under the superintendence (if given) of the relevant authority in which the sewer or drain is then vested.
- (b) Consent to a discharge, or approval of plans submitted, under this subsection shall not be unreasonably withheld.

(3) (a)

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Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under this section into any controlled waters within the meaning given by section 104 of that Act as if this section were excluded from the reference to any local statutory provision mentioned in section 88 (1) (f) of that Act.

- (b) In the exercise of their powers under this section the Executive shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof within the meaning of section 72 of the Land Drainage Act 1991.
- (4) The Executive shall take all such steps as may be reasonably required to secure that any water discharged under this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.
- (5) Any difference arising between the Executive and the relevant authority under this section shall be determined by arbitration.
- (6) In this section “relevant authority” means a sewerage undertaker, the National Rivers Authority or a local authority.”