



Midland Metro (No. 2) Act 1992

1992 CHAPTER viii

PART II

WORKS

4 Additional works and powers exercisable in Wolverhampton

Subject to the provisions of this Act the Executive may—

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

5 Additional works and powers exercisable in Dudley

Subject to the provisions of this Act the Executive may—

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

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6 Substituted works and powers exercisable in Birmingham

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

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

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

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

8 Power to deviate

In the execution of the authorised works the Executive may, except as may be otherwise provided by this Act, deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and deviate vertically

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from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

9 Level crossings

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

10 Plans to be approved by Secretary of State

- (1) Before constructing any of the authorised railways the Executive shall submit to the Secretary of State for his approval plans, sections and particulars of their proposals concerning—
 - (a) permanent way or track and stations;
 - (b) tunnels, lifts, escalators and stairways;
 - (c) signalling;
 - (d) lighting; and
 - (e) ventilation.
- (2) Any such works shall be constructed and maintained in accordance with plans, sections and particulars approved by the Secretary of State.
- (3) Section 37 of the Electricity Act 1989 (which requires consent for overhead electric lines) shall not apply in relation to an electric line forming part of the authorised railways.

11 Application of works provisions of Acts of 1989 and 1992

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

In the Act of 1989—

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

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In the No. 1 Act of 1992—

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

(2) For the purposes of this section—

- (a) in the said section 9 of the Act of 1989, for the reference in subsection (3)(a)(ii) to section 8(4) of that Act, there shall be substituted reference to section 5(4) of the No. 1 Act of 1992 as applied in this Act;
- (b) in the said section 12 of the Act of 1989, for the reference to section 11 of that Act, there shall be substituted reference to section 6 of the No. 1 Act of 1992 as applied in this Act;
- (c) in the said section 18 of the Act of 1989—
 - (i) for the reference to streets within the meaning of that Act, there shall be substituted reference to streets within the meaning of this Act; and
 - (ii) for the reference to the limits of deviation and to the deposited plans within the meaning of that Act, there shall be substituted reference to the limits of deviation and the deposited plans within the meaning of this Act;
- (d) in subsection (1) of the said section 23 of the Act of 1989, for the reference to the limits of deviation within the meaning of that Act, there shall be substituted reference to the limits of deviation within the meaning of this Act;
- (e) in the said section 6 of the No. 1 Act of 1992, for the reference to the limits of deviation within the meaning of that Act, there shall be substituted reference to the limits of deviation within the meaning of this Act; and
- (f) in subsection (3) of the said section 8 of the No. 1 Act of 1992, for the reference to subsection (1) of that section, there shall be substituted reference to subsection (1) of section 9 of this Act.

12 Railway works in Oozells Street, Birmingham

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