



# Midland Metro (No. 2) Act 1993

## 1993 CHAPTER vi

### PART II

#### WORKS

#### **4 Additional works and powers exercisable in Birmingham.**

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 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 City of Birmingham described in Part II of the said Schedule 1.

#### **5 Substituted and additional 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 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 City of Birmingham described in Part II of the said Schedule 2.

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

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## **6 Substituted works and powers exercisable in Solihull.**

- (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 Borough of Solihull 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 Metropolitan Borough of Solihull 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 Metropolitan Borough of Solihull specified in Part III of the said Schedule 3.

## **7 Substituted and supplementary works and powers exercisable in Sandwell, Walsall 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 Sandwell, Walsall 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, Walsall 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 Walsall and Wolverhampton specified in Part III of the said Schedule 4.
- (3) If so required in any agreement between the local planning authority and the Executive, the Executive shall—
  - (a) construct Works Nos. 11 and 11A in substitution for so much of the works authorised by the No. 2 Act of 1992 as is specified in Part IV of Schedule 4 to this Act; and
  - (b) remove any part of the said works authorised by the No. 2 Act of 1992 so specified which is then no longer required;and thereafter the Executive shall cease to have the power to make and maintain the part of the said works authorised by the No. 2 Act of 1992, or to exercise the further powers in the Metropolitan Borough of Sandwell, which are specified in Part IV of the said Schedule 4.
- (4) 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 the local planning authority, and with the consent of the owners, lessees and occupiers of the lands in the Metropolitan Borough of Sandwell numbered 1, 2 and 3 on the deposited plans, construct the whole or part of Work No. 11 within the boundaries

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of those lands 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 4 to this Act.

## **8 Power to deviate.**

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

## **9 Level crossings.**

- (1) The Executive may carry the authorised railways with a double line across and on the level of each 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 Railway works in streets.**

- (1) Subject to the provisions of this Act the Executive may, for the purpose of providing access to the 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 6 to this Act.
- (2)
  - (a) Subject to the provisions of this Act the Executive may, for the purpose of constructing works for the purposes of, or in connection with, the 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 6 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.

## **11 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.

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- (2) Any such works shall be constructed and maintained in accordance with plans, sections and particulars approved by the Secretary of State.

## 12 Application of works provisions of Midland Metro Acts.

- (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 works authorised by those Acts:—

in the Act of 1989—

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

in the No. 1 Act of 1992—

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

- (2) For the purposes of this section—

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

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- (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.