

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

2005 No.

1. This explanatory memorandum has been prepared by the Department for Transport. It is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The instrument gives the West Midlands Passenger Transport Executive ("Centro") powers to construct and operate an extension to the Midland Metro light rail system from Wednesbury to Brierley Hill, in the West Midlands. The powers conferred on Centro by the instrument include powers to acquire compulsorily the land they require to build the extension.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The instrument is subject to special parliamentary procedure by virtue of section 12 of the Transport and Works Act 1992 ("the TWA") as it authorises the compulsory purchase of open space without the provision of suitable land in exchange.

4. Legislative background

4.1 The instrument is an Order made by the Secretary of State for Transport under powers conferred by sections 1 and 5 of the TWA.

4.2 The procedures for making applications to the Secretary of State for a TWA Order and for considering objections are laid down in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000 (SI 2000/2190).

4.3 The Secretary of State may cause a public local inquiry to be held into an Order pursuant to section 11 of the TWA. Where he does so, the inquiry is subject to procedure rules made by the Lord Chancellor under section 9 of the Tribunals and Inquiries Act 1992 (in this case, an inquiry was held under the Transport and Works (Inquiries Procedure) Rules 1992 (SI 1992/2817)).

5. Extent

5.1 This instrument applies locally.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for Transport has made the following statement regarding Human Rights: In my view the provisions of the

Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 are compatible with the Convention rights.

7. Policy background

7.1 TWA Orders are the usual means of authorising new railway, tramway and other types of guided transport schemes. These Orders are not usually subject to a parliamentary procedure before they can come into force, except where the special parliamentary procedure applies.

7.2 After initially receiving over 140 objections to Centro's application for a TWA Order, the Secretary of State caused a public inquiry to be held. After considering the objections and other representations made, the inquiry Inspector recommended that the Order should be made. The Secretary of State agreed with this recommendation and made the Order on 26 January 2005. For reasons explained in paragraph 3, the Order is subject to the special parliamentary procedure before it can come into force.

8. Impact

8.1 The Order does not introduce any new regulatory burdens, and is not therefore subject to a regulatory impact assessment. It grants powers to Centro to construct and operate an extension to the Midland Metro light rail system.

9. Contact

9.1 Ellis Harvey, Head of the TWA Orders Unit at the Department for Transport, 9th Floor, Southside, 105 Victoria Street, London SW1E 6DT (e-mail ellis.harvey@dft.gsi.gov.uk; telephone 0207 944 2483) can answer queries regarding the instrument.

Department for Transport