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STATUTORY INSTRUMENTS

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**2016 No. 545**

**The Midland Metro (Birmingham City Centre Extension,  
etc.) (Land Acquisition and Variation) Order 2016**

**PART 1**

**PRELIMINARY**

**Application of the Midland Metro Acts**

**5.—(1)** The authorised tramway is to be treated as part of the Metro (as defined in the Midland Metro Acts) for—

- (a) the purposes of the following provisions of the 1989 Act—
  - section 3(3) (incorporation and application of enactments relating to railway);
  - section 17(1) (transport consultative committee);
  - section 25 (provisions as to use of electrical energy);
  - section 46 (power to lop trees overhanging railway);
  - section 47 (removal of obstructions);
  - section 49 (byelaws relating to Metro);
  - section 50 (modification of railway regulation enactments);
  - section 51 (carriages on Metro deemed public services vehicles);
  - section 52 (power to contract for police); and
  - section 54 (powers of disposal, agreements for operation, etc.); and
- (b) for the purposes of section 18 (application of landlord and tenant law to Metro leases) of the (No. 2) 1992 Act,

but it is not to be so treated for—

- (i) the purposes of the following provisions of the 1989 Act—
  - section 5(4) and (5) (application of provisions of Public Utilities Street Works Act 1950 and Road Traffic Regulation Act 1984);
  - section 15 (gauges of railways and restrictions on working);
  - section 24 (attachment of brackets, etc., to buildings for purposes of works);
  - section 44 (insulation against noise); or
  - section 45 (orders for insulating new buildings); or
- (ii) section 24 (authorisation of new level crossings) of the 1992 Act.

**(2)** The authorised tramway is to be treated as part of the Metro (as defined in the Midland Metro Acts) for the purposes of sections 4 to 7 of the Midland Metro (Penalty Fares) Act 1991<sup>(1)</sup> and of

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<sup>(1)</sup> 1991 c. ii.

any order made from time to time under sections 3(2) (operation of Act) or 5(2) (amount of penalty fare) of that Act (whether made before or after this Order comes into force), and expressions defined in section 2 of that Act have effect accordingly.

(3) In the application of the Midland Metro Acts to this Order—

- (a) the reference to section 56 (the Transport Consultative Committees) of the Transport Act 1962<sup>(2)</sup> in section 17(1) (transport consultative committee) of the 1989 Act is to be treated as a reference to section 25 (proposal to discontinue excluded services) of the Railways Act 2005<sup>(3)</sup> and for the words from “as if” until the end of that subsection substitute “these services were special procedure excluded services for the purpose of that section”;
- (b) references to the railway in section 46(1) (power to lop trees overhanging railway) of the 1989 Act are to be treated as including the authorised tramway;
- (c) the reference in section 47 (removal of obstructions) of the 1989 Act to any tramway is to be treated as a reference to the authorised tramway;
- (d) references to railway premises in sections 49 (byelaws relating to Metro) and 52 (power to contract for police) of the 1989 Act are to be treated as including any premises of the Executive used in connection with the operation or maintenance of the authorised tramway.

(4) Section 8(4) (further works and powers) of the 1989 Act is to have effect for the purposes of the authorised tramway as it has effect for the purposes of the tramways authorised by that Act.

(5) In this article—

“the (No. 2) 1992 Act” means the Midland Metro (No. 2) Act 1992<sup>(4)</sup>;

“the 1992 Act” means the Midland Metro Act 1992<sup>(5)</sup>; and

“the Midland Metro Acts” means the 1989 Act, the Midland Metro (Penalty Fares) Act 1991, the 1992 Act and the (No. 2) 1992 Act.

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(2) 1962 c. 46.  
(3) 2005 c. 14.  
(4) 1992 c. viii.  
(5) 1992 c. vii.