
STATUTORY INSTRUMENTS

2019 No. 882

The Midland Metro (Birmingham City Centre Extension,
etc.) (Edgbaston Extension Land Acquisition) Order 2019

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Midland Metro (Birmingham City Centre Extension, etc.) (Edgbaston Extension Land Acquisition) Order 2019 and comes into force on 7th May 2019.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“address” includes any number or address used for the purposes of electronic transmission;

“the authorised works” means the works authorised by the Midland Metro (Birmingham City Extension, etc.) Order 2005(7);

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection, or any part of a building, structure or erection;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the Executive” means West Midlands Combined Authority established under article 3 of the West Midlands Combined Authority Order 2016(8);

(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1981 c. 66.

(5) 1984 c. 27.

(6) 1990 c. 8.

(7) S.I. 2005/1794.

(8) S.I. 2016/653.

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“the Order limits” mean the limits so described on the land plans;

“owner” in relation to land has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981⁽⁹⁾;

“statutory undertaker” means—

- (c) any person who is a statutory undertaker for any of the purposes of the 1990 Act; and
- (d) any public communications provider within the meaning of section 151(1) of the Communications Act 2003⁽¹⁰⁾; and

“the tribunal” means the Lands Chamber of the Upper Tribunal.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface.

(3) All directions, distances, areas, lengths and points stated in any powers or lands are approximate.

Disapplication of legislative provisions

3. The provisions of the Neighbourhood Planning Act 2017⁽¹¹⁾ are disappplied insofar as they relate to temporary occupation of land under articles 8 (temporary use of land for construction of works) and 9 (temporary use of land for maintenance of works).

⁽⁹⁾ 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

⁽¹⁰⁾ 2003 c. 21.

⁽¹¹⁾ 2017 c. 20.