



Midland Metro Act 1992

1992 CHAPTER vii

PART I

PRELIMINARY

1 Short title

this act may be cited as the midland metro act 1992.

2 Interpretation

(1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings and—

“the Act of 1989” means the Midland Metro Act 1989;

“authorised railway” means any railway authorised by this Act, including, where the context so admits, any railway adapted for use as part of the Metro;

“the authorised works” means the works authorised by this Act;

“existing” means existing at the commencement of this Act;

“the limits of deviation” means the limits so shown on the deposited plans and, where in the case of a work in any street, no such limits are shown for that work, the boundaries of the street (including any verge or roadside waste adjoining it);

“the Metro” means the light rail transit system comprising the railways authorised by the Act of 1989 and this Act, including such railways designated as tramways and all works and conveniences provided in connection with any of those railways, as that system is constructed, extended or altered from time to time;

“sewerage undertaker” has the same meaning as in the Water Industry Act 1991;

“street” has the meaning given by section 329 of the Highways Act 1980 and includes a bridleway, cycle track or footpath as defined in the said section 329 and any way laid out or used as a cycleway;

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“tramway” means a railway, or any part of a railway, authorised by the Act of 1989 or this Act and thereby designated as a tramway;

“underground railways” means so much of Works Nos. 21, 27 and 31 and any works and conveniences connected therewith as are constructed in tunnels, whether bored tunnels or tunnels constructed in a manner which necessitates the cutting through or removal of surface soil;

and the following expressions have the same meanings as in the Act of 1989 (as amended by section 26 of this Act):—

“the Act of 1845”; “the Act of 1950”; “the Act of 1965”; “enactment”; “the Executive”; “land”; “the railways board”; “statutory undertakers”; “telecommunications system”; “traffic sign”; “the tribunal”.

- (2) Unless the context otherwise requires, any reference in this Act to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Act.
- (s) (a) In this Act, except as mentioned in paragraph (b) below, all distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance and length, and distances between points on a railway shall be taken to be measured along the railway.
- (b) This subsection does not apply to distances or lengths stated in the following provisions of this Act:—
- section 7 (Power to deviate);
 - subsection (4) of section 16 (Only subsoil or rights to be acquired in certain lands);
 - paragraph (3) of section 20 (As to underground works affecting highways).
- (4) Any reference in this Act to rights over land includes reference to the right to do or to place and maintain anything in, on or under the land, or in the air space above its surface.
- (5) References in this Act to access to any place shall include egress from that place.

3 Incorporation or application of enactments

The following provisions of the Act of 1989 which incorporate or apply enactments for the purposes of that Act shall have effect as if the references in those provisions to that Act included this Act:—

- section 3 (Incorporation and application of enactments relating to railways);
- section 4 (Application of Tramways Act 1870);
- section 5 (Application of provisions of Public Utilities Street Works Act 1950 and Road Traffic Regulation Act 1984);
- section 6 (Application of Part I of Compulsory Purchase Act 1965).

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PART II

WORKS

4 Power to make works

- (1) Subject to the provisions of this Act, the Executive may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain—
 - (a) the works in the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Wolverhampton specified in Part I of Schedule 1 to this Act, with all necessary works and conveniences connected therewith; and
 - (b) the works in the City of Birmingham and the Metropolitan Borough of Solihull and in the Borough of North Warwickshire in the County of Warwickshire specified in Part I of Schedule 2 to this Act, with all necessary works and conveniences connected therewith.
- (2) 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 with the consent of the owners, lessees and occupiers of the lands affected—
 - (a) construct the whole or part of Work No. 29 within the limits of deviation for that work 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 2 to this Act; and
 - (b) construct or extend any part of Work No. 31 within the boundary of Birmingham International Airport in such lines or situations and in accordance with such levels, dimensions and descriptions as may be agreed between the Executive and Birmingham International Airport Plc.
- (3) The Executive shall construct a good and sufficient fence on each side of any road bridge which is constructed or widened as part of the authorised works.

5 Further works and powers

- (1) Subject to the provisions of this Act (and, 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), the Executive may—
 - (a) exercise the powers, and carry out the further works, described in Part II of Schedule 1 to this Act, in the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Wolverhampton, with all necessary works and conveniences connected with those works; and
 - (b) exercise the powers, and carry out the further works, described in Part II of Schedule 2 of this Act in the City of Birmingham and the Metropolitan Borough of Solihull and in the Borough of North Warwickshire in the County of Warwickshire, with all necessary works and conveniences connected with those works.
- (2) Without prejudice to the specific powers conferred by subsection (1) above, for the purposes of constructing or maintaining the authorised railways in or adjoining any street, the Executive may, with the consent of the highway authority—

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- (a) increase the width of the carriageway of the street by reducing the width of any footway, cycle track or verge or other land within the boundary of the street;
 - (b) alter or interfere with the level of any kerb, footway, cycle track, verge or other land within the boundary of the street; or
 - (c) at any stopping place on a tramway reduce the width of the carriageway of the street by forming a reserved area in the street or by setting forward the kerbline of the street and providing access for vehicles to adjoining premises and a footway on the side of that kerbline nearest to those premises.
- (3) No footway shall, under subsection (2) above, be reduced to a less width than 1·80 metres (5 feet 11 inches) without the consent of the highway authority.
- (4) Where the carriageway, or part of the carriageway, of any street in which a tramway is laid is of sufficient width to provide not less than 3 metres of width for vehicular traffic clear of the tramway path (as determined in accordance with the clearance required by the Secretary of State), the Executive may, with the consent of the highway authority, carry out such works as may be required to deter, but not prevent, the passage of vehicular traffic along the tramway, whether by raising or lowering the level of the part of the carriageway occupied by the tramway path above or below the level of the adjoining carriageway or by placing a kerb or other obstruction along the edge of that adjoining carriageway.
- (5) Notwithstanding section 25 of the Tramways Act 1870 as applied by this Act, in the case of any part of a tramway which is situated clear of the carriageway of any street, the Executive may, with the consent of the highway authority, lay and maintain the tramway in such manner that the uppermost surface of the rails is not on a level with the surface of the ground in which it is laid.
- (6) Subject to the provisions of this Act, the Executive may—
 - (a) lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways, either when constructing it or at any time thereafter, and construct or take up and reconstruct any such tramway or associated work in such position in the street or land in which it is authorised to be constructed as they think fit; and
 - (b) make, maintain, alter and remove such crossings, passing places, sidings, junctions and other works, in addition to those specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the Metro, for the purposes of the control of traffic or for providing access to any premises.
- (7) The powers of subsection (6) above shall not be exercised in any street which is a highway without the consent of the highway authority.

6 Subsidiary works

- (1) Subject to the provisions of this Act the Executive may, for the purposes of the Metro and associated traffic control—
 - (a) within the limits of deviation make, lay down, place, erect, repair, alter, renew, maintain, operate and use rails, rail fixings, plates, sleepers, channels, conduits, tubes, stations, platforms, islands, gates, junctions, points, turntables, turnouts, crossings, temporary or permanent cross-overs, passing places, pillars, posts, poles, brackets, wires, subways, manholes,

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shafts, pumps, engines, dynamos, substations, transformers, switchgear, cabling, signalling, monitoring and communications equipment, together with subsidiary and incidental machinery, apparatus, works and appliances; and

- (b) in, or under any street in which it may be necessary or convenient, or in other land over which the Executive have or obtain sufficient right, lay, place, form, erect, maintain, renew and repair drains, ditches and culverts and electric wires, conductors, cables, brackets, posts, radio masts, tubes, substations, boxes and other electrical apparatus for connecting the authorised railways and associated works with any electricity generating station or substations or for the purposes of signalling, monitoring and communication in connection with the Metro.
- (2) The provisions of Part VI of Schedule 3 to the Water Act 1945 (breaking open streets), as having effect in accordance with section 12 of the Control of Pollution Act 1974, shall apply to apparatus and works referred to in subsection (1) above as they apply to pipes and associated works.

7 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.

8 Level crossings

- (1) The Executive may carry the authorised railways with a double line across and on the level of the highways and access roads specified in Schedule 3 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 or access road upon which any railway or associated work is to be laid.
- (3) Any barriers or other protective equipment specified in an order under the Level Crossings Act 1983 for the safety or convenience of persons using any crossing authorised by subsection (1) above (in this subsection referred to as “the specified apparatus”) shall, in any case where the specified apparatus is to be provided in, on or under any street or controlled land within the meaning of the Act of 1950, be deemed to be transport works for the purposes of Part II of, and Schedule 4 to, that Act, and accordingly the code in the said Part II shall have effect as if the construction or placing of any of the specified apparatus were specified in section 21 (1) (c) of that Act.

9 Railway works in streets

- (1) Subject to the provisions of this Act, the Executive may, for the purpose of providing access to 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 4 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, underground

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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 4 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.

10 Plans to be approved by Secretary of State before works commenced

- (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;
 - (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 Act of 1989

- (1) The following provisions of the Act of 1989 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 that Act:—
 - 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 purpose of works);
 - section 25 (Provisions as to use of electrical energy).
- (2) For the purposes of this section—
 - (a) in the said section 9, for the reference in subsection (3) (a) (ii) to section 8 (4) of the Act of 1989, there shall be substituted reference to section 5 (4) of this Act;

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- (b) in the said section 12, for the reference to section 11 of the Act of 1989, there shall be substituted reference to section 6 of this Act;
- (c) in the said section 18—
 - (i) for the reference to streets within the meaning of the Act of 1989, 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 the Act of 1989, 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, for the reference to the limits of deviation within the meaning of the Act of 1989, there shall be substituted reference to the limits of deviation within the meaning of this Act.

12 Agreements with British Railways Board

- (1) The Executive and the railways board may enter into, and carry into effect, agreements—
 - (a) for the transfer to the Executive of any property of the railways board comprising all or part of a railway or former railway, and any lands, works or other property held in connection therewith, and all rights and obligations of the railways board relating thereto; and
 - (b) for the transfer to the railways board of any property of the Executive comprising all or part of a railway, and any lands, works or other property held in connection therewith, and all rights and obligations of the Executive relating thereto.
- (2) Where agreement is made for the transfer to the Executive of any railway under subsection (1) above, the Executive may adapt for use, maintain, use and work that railway as part of the Metro in accordance with the provisions of the Act of 1845 and the Railways Clauses Act 1863 incorporated with this Act and the provisions of the Railway Regulation Acts 1840 to 1889 applicable to the Metro.
- (3) Any enactment by which any such railway or former railway of the railways board was authorised shall have effect subject to the provisions of this Act.
- (4) Subsection (1) (b) above has effect without prejudice to the provisions of section 54 (Powers of disposal, agreements for operation, etc.) of the Act of 1989.

PART III

LANDS

13 Power to acquire lands

Subject to the provisions of this Act, the Executive may enter upon, take and use—

- (a) so much of the land delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the authorised works or for any purpose connected with, or ancillary to, their undertaking; and

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- (b) so much of any land specified in columns (2) and (3) of Part I of Schedule 5 to this Act shown on the deposited plans within the limits of land to be acquired or used as they may require for the purpose specified in relation to that land in column (1) of that Schedule.

14 Temporary possession of lands

- (1) In this section “relevant land” means so much of any of the lands specified in Part II of Schedule 5 to this Act as is not within the limits of deviation for any of the authorised works.
- (2) Subject to the provisions of this section, the Executive may take temporary possession of and use—
 - (a) any relevant land for the provision of working sites and access for construction purposes; and
 - (b) any land within the limits of deviation of any underground railway for the purpose of providing treatment of ground to facilitate the construction of that railway.
- (3) Not less than 28 days before entering upon and taking temporary possession of any land under this section the Executive shall give notice to the owners and occupiers of the land.
 - (i) (a) The Executive shall not, without the agreement of the owners and occupiers, remain in possession of any part of any land of which they take temporary possession under this section after a period of 18 months from the completion of the work of construction for which possession was required.
 - (b) Before giving up possession of any such land, the Executive shall remove all temporary works and restore the land to the reasonable satisfaction of the owners and occupiers thereof.
- (5) The Executive shall not be empowered to purchase compulsorily, or be required to purchase, any part of any relevant land.
 - (a) (a) The Executive shall compensate the owners and occupiers of any land of which they take temporary possession under this section for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to that land.
 - (b) Nothing in this section shall relieve the Executive from liability to compensate under section 6 or 43 of the Act of 1845 or section 10(2) of the Act of 1965 as incorporated or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (a) above.
- (7) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

15 Application of land purchase provisions of Act of 1989

- (1) The following provisions of the Act of 1989 relating to the acquisition of lands or rights thereover shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply for the purposes of this Act to the lands delineated on the deposited plans and described in the deposited book of reference as they apply for the purposes of that Act to the lands referred to in those provisions:—

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section 27 (Extinction of private rights of way);
section 28 (Power to acquire new rights);
section 29 (Acquisition of part only of certain properties);
section 30 (Disregard of recent improvements and interests);
section 31 (Set-off for enhancement in value of retained land);
section 33 (Correction of errors in deposited plans and book of reference);
Schedule 5—daptation of Part I of the Compulsory Purchase Act 1965.

(2) For the purposes of this section—

- (a) in the said sections 28 and 31, for the references to the works authorised by the Act of 1989, there shall be substituted reference to the works authorised by this Act; and
- (b) in the said section 33, for references to the deposited plans and the deposited book of reference within the meaning of the Act of 1989, there shall be substituted references to the deposited plans and the deposited book of reference within the meaning of this Act.

16 Only subsoil or rights to be acquired in certain lands

- (1) Notwithstanding section 13 of this Act, the Executive shall not acquire compulsorily under this Act any interest in any part of the lands specified in Schedule 6 to this Act except as provided in subsection (2) of this section.
- (2) For the purposes of making, maintaining, protecting, renewing and using the underground railways, the Executive may enter upon, take and use so much of the subsoil of the lands specified in Schedule 6, or purchase compulsorily such new rights in such subsoil, as they may require without being required to acquire any greater interest in or under those lands.
- (3) This section has effect without prejudice to the exercise by the Executive of the powers of section 9 (Railway works in streets) and section 14 (Temporary possession of lands) of this Act in relation to any of the lands specified in Schedule 6.
- (4) For the purposes of this section, the subsoil of lands shall not include any such subsoil which is within 9 metres of the level of the surface of the ground or, in the case of a building on the said lands, the level of the surface of the ground adjoining the building or, in the case of a river, dock, canal, navigation, watercourse or other water area, the level of the surface of the adjoining ground which is at all times above water level.

17 Acquisition of structures where rights only acquired

- (1) If, in any case where the Executive purchase a new right in or under any land under section 28(1) of the Act of 1989 as applying for the purposes of this Act, or enter upon, take and use the subsoil of any land under section 16 of this Act, they also require to take, use and pull down or open any cellar, basement, vault, arch or other structure forming part of any such land, they may enter upon, take and use such structure for the purposes of the authorised works, and, subject to the provisions of this Act, the Act of 1965 as applying for the purposes of this Act shall extend and apply in relation to the purchase of any such structure as if it were land.
- (2) Section 29 (Acquisition of part only of certain properties) of the Act of 1989 as applying for the purposes of this Act shall apply in respect of the acquisition by the

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Executive under this section of any cellar, basement, vault, arch or other structure as if the same were a part of land to which that section applies.

18 Period of compulsory purchase of lands or rights

- (1) The powers of the Executive for the compulsory acquisition of the lands and rights which they are authorised to acquire by this Part of this Act shall not be exercised after the expiration of five years from the passing of this Act.
- (2) The powers of the Executive for the compulsory acquisition of the said lands and rights shall, for the purposes of this section, be deemed to have been exercised if notice to treat has been served in respect of those lands and rights.

PART IV

PROTECTIVE PROVISIONS

19 Application of protective provisions of Act of 1989

- (1) The following protective provisions of the Act of 1989 shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply for the purposes of this Act as they apply for the purposes of that Act:—
 - section 36 (Notice to police);
 - section 37 (As to highways, traffic, etc.);
 - section 40 (For protection of public sewers);
 - section 41 (For protection of certain statutory undertakers);
 - section 42 (For protection of telecommunications operators);
 - section 43 (Crown rights).
- (2) For the purposes of this section—
 - (a) in the said section 36, after the word “police”, there shall be inserted the words “and to the fire authority”;
 - (b) in the said section 40, paragraph (14) shall not apply to the construction of any authorised railway in land now forming part of, or adjoining, any existing railway of the railways board;
 - (c) in the said section 41, paragraph (16) shall not apply to the construction of any authorised railway in land now forming part of, or adjoining, any existing railway of the railways board.

20 As to underground works affecting highways

The following provisions shall, unless otherwise agreed in writing between the Executive and the highway authority concerned, apply and have effect in relation to the underground railways in addition to the provisions of section 37 (As to highways, traffic, etc.) of the Act of 1989 as applying for the purposes of this Act:—

- (1) In this section “highway” means a highway vested in, or repairable or maintained by, the highway authority:
- (2) Wherever in this section provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and may be given

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subject to such reasonable terms and conditions as the highway authority may require, but shall not be unreasonably withheld:

- (3) The Executive shall not, without the consent of the highway authority, construct any part of the underground railways in bored tunnel within 7 metres of the surface of any highway except in accordance with plans and sections submitted to, and approved by, the highway authority:

Provided that, if within 28 days after such plans and sections have been submitted the highway authority have not approved or disapproved them, they shall be deemed to have approved the plans and sections as submitted:

- (4) No part of the underground railways which is constructed in bored tunnel under a highway shall, except with the consent of the highway authority, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway:
- (5) Except with the consent of the highway authority, the Executive shall not open or make any permanent openings in, or erect or construct any structure or erection above, the surface of the carriageway or footway of any highway:
- (6) Any difference arising between the Executive and the highway authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

21 For protection of National Rivers Authority

For the protection of the National Rivers Authority (in this section referred to as “the Authority”) the following provisions shall, unless otherwise agreed in writing between the Executive and the Authority, have effect:—

- (1) In this section—

“construction” includes placing and altering and, in relation to temporary works, includes removal;

“drainage work” means any watercourse as defined in the Land Drainage Act 1991, and includes any land regularly used for providing flood storage capacity for any such watercourse and any other structure or appliance under the control of the Authority constructed or used for defence against water;

“plans” includes sections, drawings, specifications, method statements and other such particulars;

“specified work” means so much of any work authorised by this Act as is likely to affect any drainage work or the flow of water in, to or from any such drainage work:

- (h) (a) Not less than two months before beginning the construction of any specified work, the Executive shall submit to the Authority plans of the work and such further particulars available to them as the Authority may, within 28 days of the submission of the plans, reasonably require;
- (b) Any such specified work shall not be constructed except in accordance with plans approved by the Authority, or settled by arbitration, and in accordance with any reasonable requirements made by the Authority for the protection of any drainage work and for the prevention of flooding;
- (c) The requirements which the Authority may make under sub-paragraph (b) above include conditions requiring the construction of such protective works

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by, and at the expense of, the Executive during the construction of the specified work as are reasonably necessary to safeguard a drainage work against damage or to secure that the efficiency of a drainage work for flood defence purposes is not impaired:

- (3) If within a period of two months after the submission of any plans under paragraph (2) (a) above the Authority do not inform the Executive in writing that they disapprove of those plans, stating the grounds of their disapproval, they shall be treated for the purposes of this section as having approved them:
- (4) Any specified work, and all protective works required by the Authority under paragraph (2) above, shall be constructed to the reasonable satisfaction of the Authority and the Authority shall be entitled by their officer to watch and inspect the construction of such works:
- (5) If by reason of the construction of any specified work the efficiency of any drainage work for flood defence purposes is impaired or that work is otherwise damaged, such damage shall be made good by the Executive to the reasonable satisfaction of the Authority and, if the Executive fail to do so, the Authority may make good the same and recover from the Executive the expense reasonably incurred by them in so doing:
- (6) The Executive shall pay to the Authority all costs, charges and expenses reasonably incurred by them in respect of the examination and approval of plans under this section:
- (c) (a) The Executive shall indemnify the Authority from all claims, demands, proceedings, costs, damages, expenses or loss which may be made or taken against, or recovered from or incurred by, the Authority by reason or in consequence of—
 - (i) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence; or
 - (ii) any raising of the water table in land adjoining the works authorised by this Act or any sewers, drains and watercourses; or
 - (iii) any flooding or increased flooding of any such lands;

which may be caused by, or result from, the construction of any authorised work or any act or omission of the Executive, their contractors, agents, workmen or servants whilst engaged upon the work;

- (b) The Authority shall give to the Executive reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the consent of the Executive who, if they withhold such consent and confirm to the Authority their acceptance of liability under this paragraph in respect of the claim or demand in question, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand:
- (8) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the Authority, or to their satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the Executive from any liability under the provisions of this section:
- (9) For the purposes of section 109 of the Water Resources Act 1991 (as to structures in, over or under a main river) as applying to the construction of any specified work, any consent or approval given or deemed to be given by the Authority under this section with respect to the erection of any structure shall be deemed also to constitute a consent or approval under the said section 109 as respects the erection of that structure:

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- (10) To the extent to which byelaws made under section 66 of the Land Drainage Act 1991 or paragraph 5 of Schedule 25 to the Water Resources Act 1991 apply to anything done in relation to railway property or the use thereof, those byelaws shall apply to anything done under this Act:
- (11) Any difference arising between the Executive and the Authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

22 For protection of British Railways Board

For the protection of the British Railways Board (in this section referred to as “the railways board”) the following provisions shall, unless otherwise agreed in writing between the Executive and the railways board, have effect:—

- (1) In this section—
 - “construction” includes placing, alteration and renewal;
 - “the engineer” means an engineer to be appointed by the railways board;
 - “plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction);
 - “railway property” means any railway of the railways board and any works connected therewith for the maintenance or operation of which the railways board are responsible and includes any land held or used by the railways board for the purposes of such railway or works;
 - “specified works” means so much of the authorised works as may be situated upon, across, under or over or within 15 metres of, or may in any way affect railway property:
- (2) The Executive shall not under the powers of this Act acquire compulsorily any land or other property of the railways board, or any right in such land or other property, without the consent of the railways board, which consent shall not be unreasonably withheld:
- (3) The Executive shall before commencing the construction of the specified works supply to the railways board proper and sufficient plans thereof for the approval of the engineer and shall not commence the construction of those works until such plans have been approved in writing by the engineer or settled by arbitration:

Provided that approval of plans supplied under this paragraph shall not be unreasonably withheld and, if within 56 days after the plans have been supplied to the railways board the engineer has not notified his disapproval of the plans and the grounds of his disapproval, he shall be deemed to have approved the plans as supplied:
- (4) Where so required by the engineer, the plans of any specified work in respect of which an easement is acquired in or over railway property shall include provision for the fencing, to the reasonable satisfaction of the engineer, of any railway comprised in that work from any other railway property adjoining that work:
- (5) If within 56 days after such plans have been supplied to the railways board, the railways board give notice to the Executive that the railways board desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the stability of any existing railway or the safe operation of traffic on the railways of the railways board then, if the Executive desire such part of the specified

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works to be constructed, the railways board shall construct the same with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Executive in accordance with the plans approved or deemed to be approved or settled as aforesaid:

- (6) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works (whether temporary or permanent) which in his opinion should be carried out before the commencement of the construction of the specified works to ensure the safety or stability of the railways of the railways board and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board or by the Executive, if the railways board so desire, with all reasonable dispatch, and the Executive shall not commence the construction of the specified works until the engineer shall have notified the Executive that the protective works have been completed to his reasonable satisfaction:
- (7) The Executive shall give to the railways board not more than 6 months' and not less than 28 days' notice in writing of their intention to commence the construction of any of the specified works and, except in case of emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with railway property:
- (8) When the construction of any specified work is commenced it shall be carried out—
 - (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid;
 - (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
 - (c) in such manner as to cause as little damage to railway property as may be; and
 - (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe user of any railway of the railways board or the traffic thereon and the use by passengers of railway property:
- (a) (a) If any damage to railway property or any such interference or obstruction shall be caused or take place, the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and pay to the railways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, interference or obstruction;
- (b) Nothing in sub-paragraph (a) above shall impose any liability on the Executive with respect to any damage, cost, expense or loss which is attributable to the neglect or default of the railways board or their servants or agents:
- (10) The Executive shall—
 - (a) at all times afford reasonable facilities to the engineer for access to the specified works during their construction; and
 - (b) supply the engineer with all such information as he may reasonably require with regard to the specified works or the method of construction of those works:
- (11) The railways board shall—
 - (a) at all times afford reasonable facilities to the Executive and their agents for access to any works carried out by the railways board under this section during their construction; and

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- (b) supply the Executive with such information as they may reasonably require with regard to such works or the method of construction of those works:
- (12) If any alterations or additions, either permanent or temporary, to any existing railway of the railways board are reasonably necessary during the construction of the specified works, or during a period of 12 months after their completion, in consequence of the construction of the specified works, and the railways board give to the Executive reasonable notice of their intention to make such alterations or additions, the Executive shall pay to the railways board the reasonable cost thereof including, in the case of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Executive to the railways board under this section:

- (13) The Executive shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—
 - (a) in constructing any part of the specified works on behalf of the Executive as provided by paragraph (5) above or in constructing any protective works under the provisions of paragraph (6) above including, in respect of any permanent protective works, a capitalised sum representing the reasonable cost of maintaining and renewing those works;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, watching, lighting and signalling railways and for preventing as far as may be interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;
 - (c) in respect of any special traffic working resulting from—
 - (i) any speed restrictions which may, in the opinion of the engineer, be necessary by reason of the construction, maintenance, repair or failure of the specified works; or
 - (ii) the substitution, suspension or diversion of services which may be necessary for that reason;
 - (d) in respect of any additional temporary lighting of railways in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction, maintenance or failure of the specified works;
 - (e) in respect of the approval by the engineer of plans supplied by the Executive under paragraph (3) above and the supervision by him of the construction of the specified works:
- (14) If at any time after the completion of the construction of the specified works, not being works vested in the railways board, the railways board give notice to the Executive that the state of repair of the specified works appears to affect prejudicially any existing railway of the railways board, the Executive shall, on receipt of such notice, take such steps as may be reasonably necessary to remedy any such defect:
- (15) Before providing any illumination or illuminated traffic sign on or in connection with the specified works in the vicinity of any existing railway of the railways board, the Executive shall consult with the railways board and, subject to the approval of the Secretary of State, comply with their reasonable requirements with a view to ensuring

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that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:

- (16) If the cost to the railways board of altering any existing railway within its boundaries or of maintaining or reconstructing any existing railway, or any existing structure or installation provided in connection therewith, under any powers existing at the passing of this Act, is increased by reason of the existence of the specified works, any such additional expense reasonably so incurred by the railways board, after giving 56 days' notice to the Executive, shall be repayable by the Executive to the railways board:
- (17) (a) The Executive shall be responsible for and make good to the railways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the railways board—
- (i) by reason of the construction, repair or failure of the specified works; or
 - (ii) by reason of any act or omission of the Executive or of any persons in their employ or of their contractors or others whilst engaged upon the construction or repair of the specified works;
- and the Executive shall indemnify the railways board from and against all claims and demands arising out of or in connection with the construction, repair or failure of the specified works or any such act or omission as aforesaid;
- (b) The fact that any act or thing may have been done by the railways board on behalf of the Executive or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was not attributable to the neglect or default of the railways board or of any person in their employ or of their contractors or agents) excuse the Executive from the liability under this paragraph;
- (c) The railways board shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive:
- (18) Any difference arising between the Executive and the railways board under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

23 For protection of British Waterways Board

For the protection of the British Waterways Board (in this section referred to as “the waterways board”) the following provisions shall, unless otherwise agreed in writing between the Executive and the waterways board, have effect:—

- (1) In this section—

“the canal” means any canal or inland waterway owned or managed by the waterways board, and any works connected therewith for the maintenance of which the waterways board are responsible, and includes any lands held or used by the waterways board for the purposes of any canal;

“construction” includes execution, placing and alteration;

“the engineer” means an engineer to be appointed by the waterways board;

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“plans” includes sections, drawings and particulars (including descriptions of methods of construction);

“the specified works” means so much of any of the authorised works as may be situated upon, under or over, or may in any way affect, the canal;

“the towing path” means the towing path forming part of the canal:

- (2) The Executive shall not under the powers of this Act acquire compulsorily any land or other property of the waterways board but they may acquire such easements and rights in any such land or property delineated on the deposited plans as they may reasonably require for the purposes of the authorised works:
- (3) The Executive shall, before commencing the construction of the specified works supply to the waterways board proper and sufficient plans thereof for the approval of the engineer, and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that approval of plans supplied under this paragraph shall not be unreasonably withheld and, if within 56 days after such plans have been supplied to the waterways board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as supplied:

- (4) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of the canal, and such protective works as may be reasonably necessary for those purposes shall be constructed by the Executive with all reasonable dispatch:
- (5) The Executive shall pay to the waterways board a capitalised sum representing the increased or additional cost of maintaining and, when necessary, renewing any permanent works authorised by this Act, including protective works provided under paragraph (4) above, but, if the cost of maintaining the canal, or of works of renewal on the canal, is reduced in consequence of any such protective works, a capitalised sum representing such saving shall be set off against any sum payable by the Executive to the waterways board under this section:
- (6) The Executive shall give to the engineer not less than 28 days' notice of their intention to commence the construction or repair of any of the specified works, or any protective works or, in the case of repair carried out in an emergency, such notice as may be reasonably practicable so that, in particular, the waterways board may where appropriate arrange for the publication of notices bringing those works to the attention of users of their inland waterways:
- (7) When construction of any specified works is commenced the works shall be carried out—
 - (a) in accordance with the plans approved or deemed to be approved or settled as provided in paragraph (3) above with all reasonable dispatch;
 - (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
 - (c) so as not to interfere with or obstruct the use of the towing path so far as is reasonably practicable; and
 - (d) so as not to interfere with or obstruct the passage of vessels on the canal—
 - (i) at any time in the following periods:—
 - (a) the period beginning on 17th March and ending on 3rd November in each year; and

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- (b) the period beginning on 20th December in each year and ending on 3rd January in the following year;
except in case of emergency; and
 - (ii) at any other time so far as is reasonably practicable:
- (8) Where work for the repair of the specified works is intended which involves obstruction of the canal or towing path, the Executive shall consult the waterways board upon the steps to be taken for the purposes specified in paragraphs (7) (c) and (d) above:
- (9) Following the completion of the construction of the specified works the Executive shall restore the canal to a condition no less satisfactory than its condition immediately prior to the commencement of those works:
- (10) In the event of any obstruction of the canal or towing path by reason of the construction or failure of the specified works the Executive shall provide and maintain at their expense such temporary lighting of the canal and signal lights in the vicinity of the specified works as the engineer may reasonably require during such construction or failure:
- (11) The Executive shall not use any land or property of the waterways board (including the towing path) for the passage of vehicles, plant or machinery employed in the construction of the specified works except—
 - (a) in pursuance of such easements or rights as may have been acquired by them;
or
 - (b) with the consent in writing of the engineer, which consent shall not be unreasonably withheld, and subject to the compliance with such reasonable requirements as the engineer may from time to time specify—
 - (i) for the prevention of damage to such land and property and of danger to persons thereon; and
 - (ii) in order to avoid or reduce any inconvenience to the waterways board, their officers and agents and all other persons lawfully on such land or property:
- (12) Unless agreed by the waterways board, if during the construction of the specified works any part of the towing path is closed to persons on foot or on cycles the Executive shall provide and maintain throughout the period of such closure a sufficient and convenient way in substitution therefor to the reasonable satisfaction of the waterways board:
- (13) The Executive shall not in the course of constructing or repairing the specified works do or permit anything which may result in the pollution of the canal or the deposit of materials therein and shall take such steps as the engineer may reasonably require to avoid any such pollution:
- (14) Nothing in section 23 (Use of sewers, etc., for removing water) of the Act of 1989, as applied by this Act, shall authorise the Executive—
 - (a) to discharge any water directly or indirectly into the canal except with the consent in writing of the waterways board; or
 - (b) to carry out any works to, or make any opening in, or otherwise interfere with the canal (including the banks and bed thereof) save in accordance with plans approved by, and under the supervision (if given) of, the engineer:

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- (15) The consent of the waterways board under sub-paragraph (14) (a) above and the approval of plans under sub-paragraph (14) (b) above shall not be unreasonably withheld but may be given subject to reasonable conditions which, without prejudice to the generality of the foregoing, may include conditions requiring the Executive to make payments to the waterways board for the discharge of water in accordance with the said section 23 to recoup any costs incurred by the board in respect of the said discharge, including payments in respect of the employment of persons in connection with such discharges and the cost to the waterways board of pumping water so discharged:
- (16) The Executive shall repay to the waterways board all costs, charges and expenses reasonably incurred by the waterways board—
- (a) in respect of the employment of any persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting the canal and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
 - (b) in respect of the approval by the engineer of plans supplied by the Executive under paragraph (3) or (14) above and the supervision by him of the construction of the specified works or the exercise of the powers of section 23 of the Act of 1989 as those powers have effect in accordance with sub-paragraphs (14) and (15) above;
 - (c) in bringing the specified works to the notice of users of the canal:
- (17) The Executive shall be responsible for and make good to the waterways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the waterways board—
- (a) by reason of the construction of the specified works or the failure thereof; or
 - (b) by reason of any act or omission of the Executive or of any persons in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;
- and the Executive shall effectively indemnify and hold harmless the waterways board from and against all claims and demands arising out of, or in connection with, the construction of the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was done without negligence on the part of the waterways board or of any person in their employ, or of their contractors or agents) excuse the Executive from any liability under the provisions of this paragraph:
- Provided that the waterways board shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive:
- (18) Any difference arising between the Executive and the waterways board under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.

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PART V

GENERAL

24 Authorisation of new level crossings

- (1) This section has effect for the authorisation of new level crossings on railways forming part of the Metro which are not tramways.
- (2) The Secretary of State may, by order made on the application of the Executive, authorise—
 - (a) the carrying of any such railway across and on the level of any highway laid out or constructed after the date on which application was made by the Executive for the enactment by which the railway was authorised; or
 - (b) the carrying of any highway laid out or constructed after the railway has been constructed, across and on the level of any such railway.
- (3) An order made under this section may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient.
- (4) Before making application to the Secretary of State for an order under this section to authorise a proposed level crossing, the Executive shall—
 - (a) consult the highway authority and the local planning authority;
 - (b) submit a draft of the order to the Secretary of State;
 - (c) publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality in which the proposed level crossing would be situated, a notice—
 - (i) stating the general effect of the order as prepared in draft;
 - (ii) specifying a place in that locality where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of 28 days beginning with the date of the first publication of the notice; and
 - (iii) stating that any person may, within that period, by notice in writing to the Secretary of State object to the making of the order; and
 - (d) publish a notice in the London Gazette stating that the draft order has been submitted to the Secretary of State, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph (c) above was published and the date of an issue containing the notice.
- (5) The Executive shall, at the request of any person, supply him with a copy of the draft order on payment of such charge as the Executive think reasonable.
- (6) The Secretary of State may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the Executive shall give and publish such additional notices, and in such manner, as the Secretary of State may require.
- (7) If before the end of the period of 28 days referred to in subsection (4) (c) above, or of 25 days from the publication in the London Gazette of the notice under subsection (4) (d) above, or of any period specified in notices under subsection (6) above, notice in writing of an objection is received by the Secretary of State from any person on whom

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a notice is required to be served, or from any other person appearing to the Secretary of State to be affected by the order as prepared in draft, or as proposed to be altered, and the objection is not withdrawn, the Secretary of State, before making the order, shall either—

- (a) cause a local inquiry to be held; or
 - (b) afford to the objector and to the Executive an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (n) (a) The Secretary of State may recover from the Executive payment of administrative costs reasonably incurred by the Department of Transport in connection with an application for an order under this section, subject to a maximum payment in respect of any such application of £5,000.
- (b) This subsection has effect without prejudice to the provisions of section 250 (4) of the Local Government Act 1972, as having effect in accordance with section 27 (2) of this Act, for the payment of costs incurred in relation to an inquiry or hearing, but costs recoverable under those provisions shall not be recoverable under this subsection.
- (c) This subsection shall cease to have effect on the coming into operation of any public general statutory provision for the authorisation, by means of orders made by the Secretary of State, of new level crossings on railways.
- (9) Subsection (3) of section 8 (Level crossings) of this Act shall apply to a level crossing authorised under this section as it applies to a crossing authorised by that section.

25 Railway at Handsworth authorised by Act of 1989

Notwithstanding anything in the Act of 1989 or shown on the deposited plans and sections referred to in that Act, the Executive may construct the railway authorised as Work No. 9 by that Act without a viaduct to take it over the siding of the Smethwick Railway referred to in the description of that work in Part I of Schedule 1 to that Act, so that that railway may be taken, within the limits of deviation (both lateral and vertical) for that work provided in the Act of 1989, over Booth Street by means of a bridge and on the level across the said siding.

26 Amendment of Act of 1989

- (1) The Act of 1989 shall have effect subject to the following amendments consequential on the coming into operation of the relevant provisions of the Electricity Act 1989, the Water Industry Act 1991, the Water Resources Act 1991 and the Land Drainage Act 1991:—
- (a) In subsection (1) of section 2 (Interpretation)—
 - (i) after the definition of “the railways board” there shall be inserted—

“‘sewerage undertaker’ has the same meaning as in the Water Industry Act 1991”;
 - (ii) in the definition of “statutory undertakers”, for the words “the Central Electricity Generating Board, the Midlands Electricity Board, the water authority and the South Staffordshire Waterworks Company or any of them”, there shall be substituted the words “a licence holder under Part I of the Electricity Act 1989, the National Rivers Authority

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- and a water undertaker within the meaning of the Water Industry Act 1991 or any of such bodies”; and
- (iii) the definition of “water authority” shall be omitted;
- (b) In section 23 (Use of sewers, etc., for removing water)—
- (i) in subsections (1), (2) and (5), for the words “the water authority or a local authority” wherever occurring, there shall be substituted the words “the relevant authority”;
- (ii) for subsection (3) (a) there shall be substituted the following:—
- “(a) section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under this section into any controlled waters within the meaning given by section 104 of that Act as if this section were excluded from the reference to any local statutory provision mentioned in section 88 (1) (f) of that Act.”;
- (iii) in subsection (3) (b), for the words “the main river of the water authority”, there shall be substituted the words “a main river”, for the words “section 116 of the Land Drainage Act 1976”, there shall be substituted the words “section 72 of the Land Drainage Act 1991” and the words from “or forming part” to the end of that paragraph shall be omitted;
- (iv) in subsection (5), the words “, as the case may be,” shall be omitted; and
- (v) after subsection (5) there shall be inserted the following:—
- “(6) In this section “relevant authority” means a sewerage undertaker, the National Rivers Authority or a local authority.”;
- (c) In paragraph (1) of section 40 (For protection of public sewers), for the words “Schedule 19 of the Water Act 1989” there shall be substituted the words “the Water Industry Act 1991” and for the definition of “sewerage authority”, there shall be substituted:—
- ““sewerage authority” means a sewerage undertaker and any local authority which is a relevant authority for the purposes of section 97 of the Water Industry Act 1991”;
- (d) In paragraph (1) of section 41 (For protection of certain statutory undertakers), in the definition of “apparatus”—
- (i) for paragraph (a) there shall be substituted—
- “(a) electric lines or electrical plant within the meaning of Part I of the Electricity Act 1989 belonging to or maintained by licence holders under Part I of that Act,” and
- (ii) in paragraph (c) for the words “the water authority or the South Staffordshire Waterworks Company”, there shall be substituted the words “a water undertaker”.
- (2) Section 23 of the Act of 1989, as that section has effect in accordance with subsection (1) (b) above, is set out in Schedule 7 to this Act.

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27 Local inquiries

- (1) Subject to subsection (2) below, subsections (2) to (5) of section 250 of the Local Government Act 1972 (which contain supplementary provisions with respect to local inquiries held in pursuance of that section) shall apply to local inquiries under this Act as they apply to inquiries under that section.
- (2) Subsection (4) of the said section 250 shall apply—
 - (a) in accordance with subsection (1) above, in relation to such local inquiries as are held with respect to any order under this Act as if the reference to a local authority in that subsection were a reference to the Executive; and
 - (b) in relation to any hearing arranged in pursuance of section 24 (7) (b) of this Act as if any reference in the said subsection (4) to a local authority were a reference to the Executive and any reference in that subsection to an inquiry included reference to such a hearing and as if, in the case of a hearing, the words “or party to the inquiry” and the words “or person”, in both places where they occur, were omitted.

28 Arbitration

Where under this Act any difference (other than a difference to which the provisions of the Act of 1965 as applied by this Act apply) is to be determined by arbitration, then, unless otherwise provided, the difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

29 Planning permission

- (1) Subject to subsection (2) below, in its application to development authorised by this Act, the planning permission specified in subsection (3) below shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.
- (2) Subsection (1) above shall not apply to the carrying out of any development consisting of the alteration, renewal, maintenance or repair of the authorised works or the substitution of new works therefor.
- (3) The planning permission referred to in subsection (1) above is that granted for development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).