



# Midland Metro Act 1992

## 1992 CHAPTER vii

### 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.

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## 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—
  - (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 kerblines of the street and providing access for vehicles to adjoining premises and a footway on the side of that kerblines 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

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- (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, 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.

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- (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 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:—

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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;
  - (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.

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- (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.