
STATUTORY INSTRUMENTS

2016 No. 545

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

PART 4

OPERATION OF TRAMWAY SYSTEM

Power to operate and use tramway system

31.—(1) The Executive may operate and use the authorised tramway and the other Order works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Subject to paragraph (4) and to section 54 (powers of disposal, agreements for operation, etc.) of the 1989 Act (as applied by article 5 (application of the Midland Metro Acts)), the Executive has, for the purpose of operating the authorised tramway, the exclusive right—

- (a) to use the rails, foundations, cables, masts, overhead wires and other apparatus used for the operation of the tramway; and
- (b) to occupy that part of the street in which that apparatus is situated.

(3) Any person who, without the consent of the Executive or other reasonable excuse, uses the apparatus mentioned in paragraph (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Nothing in this article restricts the exercise of any public right of way over any part of a street in which apparatus referred to in paragraph 2 is situated except to the extent that the exercise of the right is constrained by the presence of the apparatus.

Power to charge fares

32. The Executive may demand, take and recover or waive such charges for carrying passengers or goods on tramcars using the authorised tramway or for any other services or facilities provided in connection with the operation of the authorised tramway, as it thinks fit.

Traffic signs

33.—(1) The Executive may, for the purposes of, or in connection with the operation of, the authorised tramway, place or maintain traffic signs on or near any street along which tramcars using the authorised tramway are run.

(2) The Executive—

- (a) must consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 (powers and duties of highway authorities as to the placing of traffic signs)(1)

(1) As amended by section 153 of the Local Government and Housing Act 1989 (s. 42), section 168(1) of, and paragraph 48 of part 2 of Schedule 8 to, the 1991 Act and section 48 of, and paragraph 29 of Schedule 4 to, the Road Traffic Act 1991 (c. 40).

of the 1984 Act, must enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the Executive as to traffic signs under this article; and, the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on or near any street along which tramcars using the authorised tramway are run, must consult with the Executive as to the placing of any traffic sign which would affect the operation of the authorised tramway.

(5) Tramcars are taken to be public service vehicles for the purposes of section 122(2)(c) (exercise of functions by local authorities) of the 1984 Act.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Obstruction of construction of authorised works

34. Any person who, without reasonable excuse, obstructs another person from constructing the authorised tramway or any other Order works under the powers conferred by this Order is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.