



# Midland Metro Act 1993

## 1993 CHAPTER v

An Act to empower the West Midlands Passenger Transport Executive to construct works at Chelmsley Wood in the Metropolitan Borough of Solihull for their light rail rapid passenger transport system; to authorise the acquisition of lands for that purpose; to confer further powers upon the Executive; and for related purposes.

[27th May 1993]

### WHEREAS—

- (1) Under the Transport Acts 1968 and 1985 it is the general duty of the West Midlands Passenger Transport Executive, otherwise known as Centro, (hereinafter called “the Executive”) to secure the provision of public passenger transport services for meeting public transport requirements of their area in accordance with general policies formulated by the West Midlands Passenger Transport Authority:
- (2) By the Midland Metro Acts 1989 to 1992 the Executive are authorised to construct works forming the first, second and third stages in the development of a light rail rapid transit network in the West Midlands area, and provision is made in the Midland Metro (No. 3) Bill deposited in the Session of Parliament 1991/92 for the further extension of that network and the construction of certain works in substitution for works authorised by those Acts:
- (3) It is expedient that the Executive should be empowered to construct the works authorised by this Act in Chelmsley Wood in the Metropolitan Borough of Solihull for the completion of the route between the central area of Birmingham and Birmingham International Airport for which provision is made in the Midland Metro Act 1992:
- (4) It is expedient that the other powers in this Act, including powers for the compulsory acquisition of land or rights in land for the purposes of the said works, should be conferred upon the Executive and that the other provisions in this Act should be enacted:
- (5) The purposes of this Act could not have been effected without the authority of Parliament when the Bill for this Act was deposited:

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- (6) Plans and sections showing the lines or situations and levels of the works to be constructed under this Act and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and the occupiers of the said lands, were deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the Solihull Metropolitan Borough Council, the North Warwickshire Borough Council and the Warwickshire County Council, which plans, sections and book of reference are respectively referred to in this Act as “the deposited plans”, “the deposited sections” and “the deposited book of reference”:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### PRELIMINARY

#### 1 Short title

- (1) This Act may be cited as the Midland Metro Act 1993.
- (2) The Midland Metro Act 1989, the Midland Metro (Penalty Fares) Act 1991, the Midland Metro Act 1992, the Midland Metro (No. 2) Act 1992 and this Act may be cited together as the Midland Metro Acts 1989 to 1993.

#### 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—
- “Act of 1989” means the Midland Metro Act 1989;
  - “No. 1 Act of 1992” means the Midland Metro Act 1992;
  - “No. 2 Act of 1992” means the Midland Metro (No. 2) Act 1992;
  - “No. 2 Act of 1993” means the Act for which the Midland Metro (No. 3) Bill was deposited in the Session of Parliament 1991/92;
  - “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;
  - “authorised works” means the works authorised by this Act;
  - “existing” means existing at the commencement of this Act;
  - “limits of deviation” means the limits 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);
  - “Metro” means the light rail transit system comprising the railways authorised by the Midland Metro Acts 1989 to 1993, 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;

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“statutory undertakers” means a licence holder under Part I of the Electricity Act 1989, a public gas supplier within the meaning of Part I of the Gas Act 1986 and a water undertaker within the meaning of the Water Industry Act 1991, or any of them as the case may be;

“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;

“tramway” means a railway, or any part of a railway, authorised by the Midland Metro Acts 1989 to 1993 and therein designated as a tramway;

and the following expressions have the same meanings as in the Act of 1989:—

“the Act of 1845”;

“the Act of 1965”;

“enactment”;

“the Executive”;

“land”.

- (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.

- (3) (a)

In this Act, except as mentioned in paragraph (b) below, all distances and lengths stated in any descriptions 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 section 5 (Power to deviate) of this Act.

- (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) Reference in this Act to access to any place includes egress from that place.

### **3 Incorporation or application of enactments**

- (1) The following provisions of the Act of 1989 (which incorporate or apply enactments for the purposes of that Act) shall, so far as they have effect at the commencement of this Act, 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); and

section 6 (Application of Part I of Compulsory Purchase Act 1965).

- (2) In accordance with section 20 (2) of the Interpretation Act 1978, the reference in subsection (1) above to section 5 of the Act of 1989 is to that section as amended by section 14 (Amendment of Act of 1989 consequential on New Roads and Street Works Act 1991) of this Act.

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## PART II

### WORKS

#### 4 Additional and substituted works and powers exercisable in Solihull

- (1) Subject to the provisions of this Act the Executive may—
- (a) in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the Metropolitan Borough of Solihull and in the Borough of North Warwickshire in the County of Warwickshire specified in Part I of Schedule 1 to this Act, with all necessary works and conveniences connected therewith; and
  - (b) 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, carry out the further works, with all necessary works and conveniences connected therewith, and exercise the further powers, in the Metropolitan Borough of Solihull and in the Borough of North Warwickshire in the County of Warwickshire described in Part II of the said Schedule 1.
- (2) The Executive shall cease to have the powers to make and maintain the works, or to exercise the further powers, in the Metropolitan Borough of Solihull specified in Part III of the said Schedule 1.

#### 5 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.

#### 6 Level crossings

- (1) The Executive may carry the authorised railways with a single or double line across and on the level of each of the highways specified in Schedule 2 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 upon which any railway or associated work is to be laid.

#### 7 Plans to be approved by Secretary of State

- (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 and stations;
  - (b) signalling; and
  - (c) lighting.
- (2) Any such works shall be constructed and maintained in accordance with plans, sections and particulars approved by the Secretary of State.

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## **8 Application of works provisions of Midland Metro Acts**

- (1) The following provisions of the Act of 1989 and the No. 1 Act of 1992 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 works authorised by those Acts:—

In the Act of 1989—

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 purposes of works); and  
section 25 (Provisions as to use of electrical energy):

In the No. 1 Act of 1992—

subsection (3) of section 4 (Power to make works);  
subsections (2) to (7) of section 5 (Further works and powers);  
section 6 (Subsidiary works); and  
subsection (3) of section 8 (Level crossings).

- (2) For the purposes of this section—

- (a) in the said section 9 of the Act of 1989, for the reference in subsection (3)(a) (ii) to section 8(4) of that Act, there shall be substituted reference to section 5 (4) of the No. 1 Act of 1992 as applied in this Act;
- (b) in the said section 12 of the Act of 1989, for the reference to section 11 of that Act, there shall be substituted reference to section 6 of the No. 1 Act of 1992 as applied in this Act;
- (c) in the said section 18 of the Act of 1989—
- (i) for the reference to streets within the meaning of that Act, there shall be substituted reference to streets within the meaning of this Act; and
- (ii) for the references to the limits of deviation and to the deposited plans within the meaning of that Act, there shall be substituted references to the limits of deviation and the deposited plans within the meaning of this Act;
- (d) in subsection (1) of the said section 23 of the Act of 1989, for the reference to the limits of deviation within the meaning of that Act, there shall be substituted reference to the limits of deviation within the meaning of this Act;
- (e) in the said section 6 of the No. 1 Act of 1992, for the reference to the limits of deviation within the meaning of that Act, there shall be substituted reference to the limits of deviation within the meaning of this Act; and