
STATUTORY INSTRUMENTS

2020 No. 141

**The Midland Metro (Birmingham
Eastside Extension) Order 2020**

PART 4

OPERATION OF TRAMWAY SYSTEM

Power to operate and use tramway system

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

(2) Subject to paragraph (4) and section 54 (powers of disposal agreements for operation etc.) of the 1989 Act (as applied by article 4 (application of the Midland Metro Acts)), the Authority 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 authorised 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 Authority 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 the 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

42. The Authority 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

43.—(1) The Authority may, for the purposes of, or in connection with the construction or operation of the authorised tramway, place or maintain traffic signs on any street in which the authorised tramway is laid or which gives access to such a street, or on any street in connection with any instrument made under article 44 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The Authority—

- (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 traffic authorities as to placing of traffic signs)(1) of the 1984 Act, must enter into arrangements with the traffic authority for any such signs other than traffic light signals 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 Authority as to traffic signs under this article; and, accordingly, 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 or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised street tramway is laid or which gives access to such a street must consult with the Authority as to the placing of any traffic sign which would affect the operation of the authorised street tramway.

(5) Tramcars are taken to be public service vehicles for the purposes of section 122(2)(c) (exercise of functions by strategic highway companies or 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.

Traffic regulation

44.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the Authority may, in connection with the construction or operation of the authorised tramway, at any time prior to the expiry of 12 months from the opening of the authorised tramway, and in accordance with the traffic regulation plans—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 8 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) make provision as to the direction of vehicular traffic in the manner specified in Part 2 of Schedule 8 on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (c) permit or prohibit vehicular access in the manner specified in Part 3 of Schedule 8 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (d) make provision as to pedal cycle movements in the manner specified in Part 4 of Schedule 8 on the roads specified in column (2) and along the lengths and between the points specified in column (3) to that Part of that Schedule;
- (e) make provision as to parking in the manner specified in Part 5 of Schedule 8 on the roads specified in column (2) and along the lengths and between the points specified in column (3) to that Part of that Schedule; and
- (f) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the Authority under this paragraph.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road is situated, which consent must not be unreasonably withheld, the Authority may, in so far as

(1) As amended by section 153 of the Local Government and Housing Act 1989 (c. 42), section 168(1) of, and paragraph 48 of Part 2 of Schedule 8 to, the 1991 Act, section 48 of, and paragraph 29 of Schedule 4 to, the Road Traffic Act 1991 (c. 40), and section 1(6) of, and paragraphs 70 and 82(1) to (3) of Part 2 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance and operation of the authorised tramway—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the Authority.

(3) The Authority must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (4).

(4) The Authority must not exercise the powers conferred by paragraphs (1) and (2) unless it has—

- (a) given not less than 12 weeks' notice in writing of its intention to do so to the chief officer of the police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may, within 28 days of its receipt of notice of the Authority's intention, specify in writing.

(5) Any prohibition, restriction or other provision made by the Authority under this article has effect as if duly made by the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 8) to which the prohibition, restriction or other provision is subject.

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

(7) Any prohibition, restriction or other provision made under this article may be varied, suspended or revoked from time to time by subsequent exercise of the powers conferred by this article by the Authority.