
DRAFT STATUTORY INSTRUMENTS

2005 No.

The Midland Metro (Wednesbury to Brierley Hill
and Miscellaneous Amendments) Order 2005

PART 1

PRELIMINARY

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961**(1)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(2)**;

“the 1984 Act” means the Road Traffic Regulation Act 1984**(3)**;

“the 1989 Act” means the Midland Metro Act 1989**(4)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(5)**;

“the 1991 Act” means the New Roads and Street Works Act 1991**(6)**;

“the 1993 Act” means the Railways Act 1993**(7)**;

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000;

“authorised street tramway” means any street tramway authorised by this Order;

“authorised tramroad” means any tramroad authorised by this Order;

“authorised tramway” means the tramway (consisting of the authorised street tramways and the authorised tramroads) authorised by this Order;

“the authorised works” means the scheduled works and any other works authorised by this Order;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridge” includes a viaduct;

“carriageway” has the same meaning as in the Highways Act 1980**(8)**;

“the deposited sections” means the sections certified by the Secretary of State as the deposited sections for the purposes of this Order;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1984 c. 27.
(4) 1989 c. xv.
(5) 1990 c. 8.
(6) 1991 c. 22.
(7) 1993 c. 43.
(8) 1980 c. 66.

“Dudley” means the metropolitan borough of Dudley;

“the Executive” means West Midlands Passenger Transport Executive;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980;

“the land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;

“the limits of deviation” means the limits of deviation for the scheduled works shown on the works plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“the Order limits” means any of—

(a) the limits of deviation, or

(b) the limits of land to be acquired or used shown on the land plans;

“owner” in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“Sandwell” means the metropolitan borough of Sandwell;

“the scheduled works” means the works specified in Schedule 1 to this Order or any part of them;

“street” includes part of a street;

“street authority” in relation to a street, has the same meaning as in Part III of the 1991 Act;

“street tramway” means any part of a tramway which is laid along a street—

(a) whether or not the section of the street in which its rails are laid may be used by other traffic; or

(b) whether the uppermost surface of the rails is level with, lower than, or raised above, the surrounding surfaces of the street;

“tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway which is not a street tramway;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which provide support and guidance for vehicles carried on flanged wheels;

“the tribunal” means the Lands Tribunal; and

“the works plans” means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface, and references to the subsoil of any land include references to any cellar, basement, vault, arch or other construction forming part of any such land.

(3) All directions, distances, areas, lengths and points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction, distance, area, length, and point, and distances between any of the points on the authorised tramway shall be taken to be measured along the centre line of the authorised tramway.

(4) Any reference in this Order to a work identified by the number of the work (or by the number and letter) shall be construed as a reference to the work of that number (or number and letter) authorised by this Order.

(5) References in this Order to points identified by letters (or letters and numbers) shall be construed as references to the points so marked on the works plans.