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STATUTORY INSTRUMENTS

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**2005 No. 1794**

**The Midland Metro (Birmingham City  
Centre Extension, etc.) Order 2005**

**PART 1**

**PRELIMINARY**

**Application of the Midland Metro Acts**

**5.**—(1) The authorised tramway shall be treated as part of the Metro (as defined in the Midland Metro Acts) for the purposes of the following sections of the following Acts—

- (a) sections 3(3), 16, 17, 25, 46 to 52 and 54 of the 1989 Act; and
- (b) section 18 of the (No. 2) 1992 Act,

but it shall not be so treated for the purposes of the following—

- (i) sections 5(4) and (5), 15, 24, 44 and 45 of the 1989 Act; and
- (ii) section 24 of the 1992 Act.

(2) The authorised tramway shall be treated as part of the Metro (as defined in the Midland Metro Acts) for the purposes of sections 4 to 7 of the Midland Metro (Penalty Fares) Act 1991<sup>(1)</sup> and of any order made from time to time under sections 3(2) or 5(2) of that Act (whether made before or after this Order comes into force), and expressions defined in section 2 of that Act shall have effect accordingly.

(3) In the application of the Midland Metro Acts to this Order—

- (a) references to the railways board in sections 16 and 17 of the 1989 Act shall be treated as references to a person holding a licence under section 8 of the 1993 Act or a person exempt, by virtue of section 7 of the 1993 Act, from the requirement to be authorised by such a licence;
- (b) the reference to section 56 of the Transport Act 1962<sup>(2)</sup> in section 17(1) of the 1989 Act shall be treated as a reference to Schedule 5 to the 1993 Act, and section 17(2) of the 1989 Act shall be construed in accordance with section 49(6) of the 1993 Act;
- (c) references to the railway in sections 46(1) and 48 of the 1989 Act shall be treated as including the authorised tramway;
- (d) the reference in section 47 of the 1989 Act to any tramway shall be treated as reference to the authorised street tramways;
- (e) the reference in section 48 of the 1989 Act to any railway of the Metro which is not designated as a tramway shall be treated as a reference to any authorised tramroad;

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(1) 1991 c. ii.  
(2) 1962 c. 46.

- (f) references to railway premises in sections 49 and 52 of the 1989 Act shall be treated as including any premises of the Executive used in connection with the operation or maintenance of the authorised tramway.
- (4) Section 8(4) of the 1989 Act shall have effect for the purposes of the authorised street tramways as it has effect for the purposes of the tramways authorised by that Act.
- (5) In this article—
- “the Midland Metro Acts” means the 1989 Act<sup>(3)</sup>, the Midland Metro (Penalty Fares) Act 1991, the 1992 Act and the (No. 2) 1992 Act<sup>(4)</sup>;
- “the 1992 Act” means the Midland Metro Act 1992<sup>(5)</sup>; and
- “the (No. 2) 1992 Act” means the Midland Metro (No. 2) Act 1992.

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(3) 1989 c. xv.  
(4) 1992 c. viii.  
(5) 1992 c. vii