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STATUTORY INSTRUMENTS

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**2020 No. 141**

**TRANSPORT AND WORKS, ENGLAND**  
**TRANSPORT, ENGLAND**

The Midland Metro (Birmingham  
Eastside Extension) Order 2020

Made - - - - 12th February 2020

Coming into force 4th March 2020

THE MIDLAND METRO (BIRMINGHAM  
EASTSIDE EXTENSION) ORDER 2020

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Incorporation of the Railways Clauses Consolidation Act 1845
4. Application of the Midland Metro Acts
5. Application of the 1991 Act
6. Disapplication of legislative provisions

PART 2

WORKS PROVISIONS

*Principal powers*

7. Power to construct and maintain works
8. Power to deviate
9. Designation of works

*Streets*

10. Power to alter layout, etc., of streets
11. Power to keep apparatus in streets
12. Power to execute street works
13. Stopping up of streets
14. Temporary stopping up of streets

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15. Access to works
16. Construction and maintenance of new, altered or diverted highways
17. Restoration of streets if street tramway discontinued
18. Agreements with street authorities
19. Level crossings

*Supplemental powers*

20. Attachment of equipment to buildings
21. Discharge of water
22. Works to safeguard buildings and the operation of the authorised tramway
23. Power to survey and investigate land, etc.
24. Mode of construction and operation of tramway
25. Obstruction of construction of authorised works
26. Power to construct temporary tramways
27. Removal of human remains

PART 3

ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

28. Power to acquire land
29. Application of Part 1 of the 1965 Act
30. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
31. Powers to acquire new rights
32. New rights only to be acquired in certain lands
33. Rights under or over streets

*Temporary possession of land*

34. Temporary use of land for construction of works
35. Temporary use of land for maintenance of works

*Compensation*

36. Disregard of certain interests and improvements
37. Set-off for enhancement in value of retained land
38. No double recovery

*Supplementary*

39. Extinction or suspension of private rights of way
40. Time limit for exercise of powers of acquisition

PART 4

OPERATION OF TRAMWAY SYSTEM

41. Power to operate and use tramway system
42. Power to charge fares
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44. Traffic regulation

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### MISCELLANEOUS AND GENERAL

45. Planning permission
46. Statutory undertakers, etc.
47. Minerals
48. Saving for highway authorities
49. Disclosure of confidential information
50. Defence to proceedings in respect of statutory nuisance
51. Certification of plans. etc.
52. Service of notices
53. Arbitration
54. Repeal relating to the 1989 Act
55. For protection of railway interests
56. For protection of the Environment Agency  
Signature

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## SCHEDULES

### SCHEDULE 1 — SCHEDULED WORKS

### SCHEDULE 2 — STREETS SUBJECT TO ALTERATION OF LAYOUT

### SCHEDULE 3 — STREETS TO BE STOPPED UP

#### PART 1 — STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

#### PART 2 — STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

### SCHEDULE 4 — STREETS TO BE TEMPORARILY STOPPED UP

### SCHEDULE 5 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

#### *Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

#### *Application of Part 1 of the 1965 Act*

4. Part 1 of the 1965 Act, as applied by article...
5. (1) The modifications referred to in paragraph 4(a) are as...

### SCHEDULE 6 — ACQUISITION OF NEW RIGHTS ONLY

### SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

### SCHEDULE 8 — TRAFFIC REGULATION

#### PART 1 — STOPPING, WAITING OR UNLOADING

#### PART 2 — DIRECTION OF VEHICULAR TRAFFIC

#### PART 3 — PROHIBITION OF VEHICULAR TRAFFIC

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PART 4 — PEDAL CYCLE MOVEMENTS  
PART 5 — PARKING SPACES

SCHEDULE 9 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS  
ETC.

*Apparatus of statutory undertakers, etc. on land acquired*

1. (1) Subject to the following provisions of this paragraph, sections...

*Apparatus of statutory undertakers, etc. in stopped up streets*

2. (1) Where a street is stopped up under article 13...

*Application of electronic communications code*

3. (1) Part 6 of the electronic communications code does not...

SCHEDULE 10 — FOR THE PROTECTION OF RAILWAY INTERESTS

1. The provisions of this Schedule have effect, unless otherwise agreed...
2. In this Schedule— “construction” includes execution, placing, alteration and reconstruction...
3. (1) Where under this Schedule Network Rail is required to...
4. (1) The Authority must not exercise the powers conferred by...
5. (1) The Authority must before commencing construction of any specified...
6. (1) Any specified work and any protective works to be...
7. The Authority must— (a) at all times afford reasonable facilities...
8. Network Rail must at all times afford reasonable facilities to...
9. (1) If any permanent or temporary alterations or additions to...
10. The Authority must repay to Network Rail all reasonable fees,...
11. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
12. (1) If at any time after the completion of a...
13. The Authority must not provide any illumination or illuminated sign...
14. Any additional expenses which Network Rail may reasonably incur in...
15. (1) The Authority must pay to Network Rail all reasonable...
16. Network Rail must, on receipt of a request from the...
17. In the assessment of any sums payable to Network Rail...
18. The Authority and Network Rail may, subject in the case...
19. Nothing in this Order, or in any enactment incorporated with...
20. The Authority must no later than 28 days from the...

SCHEDULE 11 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

1. (1) The following provisions of this Schedule, unless otherwise agreed...
2. (1) Before beginning to construct any specified work, the Authority...
3. Without limitation on the scope of paragraph 2, the requirements...
4. (1) Subject to sub-paragraph (2), any specified work, and all...
5. (1) Subject to the provisions of this Schedule and except...
6. Subject to paragraph 7, if by reason of the construction...
7. Nothing in paragraphs 4(4), 5(3) and 6 authorises the Agency...
8. The Authority must indemnify the Agency in respect of all...
9. (1) Without affecting the other provisions of this Schedule, the...
10. The fact that any work or thing has been executed...
11. Any dispute arising between the Authority and the Agency under...

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## Explanatory Note