

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

- (a) references to the railways board in section 16 (agreements with British Railways Board) and section 17 (transport consultative committee) of the 1989 Act are to be treated as references to a person holding a licence under section 8 (licences) of the 1993 Act or a person exempt, by virtue of section 7 (exemptions from section 6) of the 1993 Act, from the requirement to be authorised by such a licence;
- (b) the reference to section 56 (the Passengers' Council and London Transport Users' Council) of the Transport Act 1962(a) in section 17(1) (Transport consultative committee) of the 1989 Act is to be treated as a reference to section 25 (proposal to discontinue excluded services) of the Railways Act 2005(b) and for the words “for references” until the end of that subsection substitute “these services were special procedure excluded services for the purposes of that section”;
- (c) references to the railway in section 46(1) (power to lop trees overhanging railway) of the 1989 Act are to be treated as including the authorised tramway;
- (d) the reference in section 47 (removal of obstructions) of the 1989 Act to any tramway is to be treated as reference to the authorised street tramway; and
- (e) references to railway premises in section 49 (byelaws relating to Metro) and section 52 (power to contract for police) of the 1989 Act are to be treated as including any premises of the Authority used in connection with the operation or maintenance of the authorised tramway.

(4) Section 8(4) (further works and powers) of the 1989 Act has 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 1992 Act” means the Midland Metro Act 1992(c);

“the 1993 Act” means the Railways Act 1993(d);

“the (No. 2) 1992 Act” means the Midland Metro (No. 2) Act 1992(e); and

“the Midland Metro Acts” means the 1989 Act, the Midland Metro (Penalty Fares) Act 1991, the 1992 Act and the (No. 2) 1992 Act.

### Application of the 1991 Act

**5.**—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(f) (dual carriageways and roundabouts) of the 1980 Act or section 184(g) (vehicle crossings over footways and verges) of that Act.

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(a) 1962 c. 46. Section 56 was amended by S.I. 2010/439.

(b) 2005 c. 14.

(c) 1992 c. vii.

(d) 1993 c. 43.

(e) 1992 c. viii.

(f) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).

(g) As amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 4 of, and paragraph 45(11) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and section 168(1) and (2) of, and Part 1 of Schedule 8 and paragraph 9 of Schedule 9 to, the New Roads and Street Works Act 1991.