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SCHEDULES

SCHEDULE 5

PROTECTIVE PROVISIONS

FOR PROTECTION OF HIGHWAY AUTHORITIES

1 For the protection of highway authorities the following provisions shall, unless otherwise agreed in writing between the Corporation and the relevant highway authority, have effect:—

(1) In this paragraph—

“highway” means any highway vested in or repairable or maintainable by a highway authority;

“specified works” means so much of the authorised works as may in any way affect any highway:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Corporation shall not purchase compulsorily any estate or interest in land vested in a highway authority for highway purposes but they may purchase such easements or other rights in land of a highway authority in accordance with the provisions of section 30 (Power to acquire new rights) of this Act as they may reasonably require for the purposes of the specified works:

(3) The Corporation shall give to the highway authority not less than 28 days' notice in writing of their intention permanently to stop up and discontinue any highway under the powers of this Act:

(4) The Corporation shall not exercise the powers of section 23 (Underpinning of houses near works) of this Act, so as to interfere with any highway except with the consent of the highway authority, which consent shall not be unreasonably withheld or delayed:

(5) Before commencing the construction of any of the specified works, the Corporation shall submit plans, sections and particulars relating thereto to the relevant highway authority for their approval, which shall not be unreasonably withheld, and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which those plans, sections and particulars relate shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the highway authority, or, if such approval be refused, as may be settled by arbitration:

Provided that, if within 56 days after the submission to them of plans, sections and particulars in accordance with the provisions of this sub-paragraph the highway authority do not signify their approval or disapproval thereof and the grounds for such disapproval, they shall be deemed to have approved thereof:

(6) (a) Before commencing to construct any part of the specified works which will involve interference with a highway the Corporation shall consult the highway authority as to—

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- (i) when that part shall be commenced;
 - (ii) the extent of the surface of the highway which it may be reasonably necessary for the Corporation to occupy in the construction of that part; and
 - (iii) the conditions under which that part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public;
- and such part shall not be constructed and the surface of the highway shall not be occupied by the Corporation except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Corporation and the highway authority or, in default of agreement, as may be settled by arbitration;
- (b) Any such highway shall be reinstated by the Corporation in a manner approved by the highway authority, which approval shall not be unreasonably withheld, and to their reasonable satisfaction:
- (7) Any part of the construction of the specified works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the highway authority:
- (8) The Corporation shall, at all reasonable times during the construction of any part of the specified works, afford to the engineer of the relevant highway authority or his duly authorised representatives access to that part of the specified works for the purposes of inspection:
- (9) The Corporation shall keep highway authorities indemnified against all actions, costs, claims and demands whatsoever brought or made against them by any person in respect of loss or damage caused by, or in consequence of the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans, sections and particulars approved by a highway authority or in accordance with any requirement of a highway authority or under their supervision shall not (if it was done without negligence on the part of the highway authority) excuse the Corporation from liability under the provisions of this paragraph:
- Provided that a highway authority shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:
- (10) The Corporation shall repay to a highway authority all costs, charges and expenses reasonably incurred by the highway authority for the examination of the plans, sections and particulars submitted to the highway authority under this paragraph in relation to any of the specified works:
- (11) Any differences arising between the Corporation and a highway authority under this paragraph shall be referred to and settled by arbitration.