

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO THE SCHEDULED WORKS AND OTHER AUTHORISED WORKS

PART II

HIGHWAYS TO BE STOPPED UP AND NEW HIGHWAYS SUBSTITUTED THEREFOR

Construction and completion of new or substituted highways

- 18 (1) None of the following parts of highways to which sub-paragraph (4) of paragraph 16 above applies, namely—
- (a) the parts of the A20 road from Ashford to Folkestone for which parts of Work No. 9A and Work No. 9B are to be substituted; and
 - (b) the parts of the B2065 road from Hythe to Bishopsbourne for which Works Nos. 10A and 11 are to be substituted;
- shall be stopped up under that paragraph until the County Council have certified the date on which the new highway concerned has been completed and is open for public use or, on application made to the Secretary of State by the Concessionaires after refusal by the County Council so to certify, he has so certified.
- (2) If within 28 days after an application has been made to the County Council for them to certify a date under sub-paragraph (1) above they have neither done so nor refused to do so, they shall be deemed for the purposes of that sub-paragraph to have refused to do so.
- (3) The part of the A20 road from Ashford to Folkestone for which Work No. 9A is to be substituted shall not be stopped up under paragraph 16 above until, in addition, the County Council have certified that—
- (a) the new bridleway between CE1 and F5; or
 - (b) an alternative approved highway;
- has been completed in accordance with their reasonable requirements and is open for public use or, in case of a difference between the Concessionaires and the County Council as to whether a certificate has been unreasonably withheld or as to the reasonableness of their requirements, until the difference has been determined by the Secretary of State, on application made to him by the Concessionaires after not less than 28 days' notice to the County Council, and he has certified that the new bridleway or alternative approved highway has been completed in accordance with his determination and is open for public use.
- (4) No part of any highway specified in Section A of Part II of the table in paragraph 16 above, other than one mentioned in sub-paragraph (1) above, and no part of the highways specified in Section C of Part II of that table shall be stopped up under that paragraph until the County Council have certified that—
- (a) the new highway to be substituted therefor; or
 - (b) an alternative approved highway;
- has been completed in accordance with their reasonable requirements and is open for public use or, in case of a difference between the Concessionaires or the Railways Board and the County Council as to whether a certificate has been unreasonably withheld or as to the reasonableness of their requirements, until the difference has

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been determined by the Secretary of State, on application made to him by the Concessionaires or the Railways Board after not less than 7 days' notice to the County Council, and he has certified that the new highway or alternative approved highway has been completed in accordance with his determination and is open for public use.

- (5) No part of any highway specified in Section B of Part II of the table in paragraph 16 above shall be stopped up under that paragraph until the County Council are satisfied that—
- (a) the new highway to be substituted therefor; or
 - (b) an alternative approved highway;
- has been completed and is open for public use.
- 19 (1) Before commencing the construction of any of Works Nos. 9A, 9B, 10A, 11 or 17 the Concessionaires shall submit to the County Council for their approval plans, sections and specifications (below in this paragraph referred to as “plans”) of the work and, unless the Concessionaires and the County Council otherwise agree, it shall not be constructed except in accordance with the plans submitted to the County Council and approved by them or, on application made to the Secretary of State by the Concessionaires after disapproval of the plans by the County Council, approved by him.
- (2) If within 28 days after the plans have been submitted the County Council have not approved or disapproved them, they shall be deemed to have approved the plans as submitted.
- 20 (1) If it appears to the County Council that the construction of Work No. 17 will not be completed on or before the date on which their scheduled works will be completed and open for public use, they may by notice require the Concessionaires to complete the construction of that work by such reasonable date as they may specify in the notice.
- (2) Any difference about the reasonableness of any date specified in a notice under subparagraph (1) above shall be determined by the Secretary of State.
- (3) The Secretary of State shall certify the date on which the construction of Work No. 17 has been completed.

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