
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Cross Heading: Maintenance. (See end of Document for details)

SCHEDULES

SCHEDULE 3

HIGHWAYS

Maintenance

- 11 (1) Sub-paragraph (2) below applies where under this Part of this Act the nominated undertaker—
- (a) constructs a new highway, or
 - (b) alters a highway, otherwise than by carrying out street works within the meaning of Part III of the ^MNew Roads and Street Works Act 1991.
- (2) Unless otherwise agreed between the nominated undertaker and the highway authority, the new or altered highway shall be maintained by and at the expense of the nominated undertaker for a period of 12 months from the later of—
- (a) the date of practical completion, and
 - (b) the date on which it is first open for public use;
- and after the end of that period shall be maintained by and at the expense of the highway authority.
- (3) Where in relation to a highway to which sub-paragraph (2) above applies the highway authority is satisfied that the highway is practically complete or is open for public use, it shall, at the request of the nominated undertaker, certify to it in writing the date of practical completion of the highway or, as the case may be, the date on which it was first open for public use.
- (4) If the highway authority refuses a request to issue a certificate under sub-paragraph (3) above, or if the nominated undertaker disputes the date given in a certificate under that sub-paragraph, the matter shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (5) For the purposes of sub-paragraph (2) above, the date of practical completion of a highway, or the date on which it is first open for public use, shall be taken to be—
- (a) where the date has been determined under sub-paragraph (4) above, the date so determined, and
 - (b) where it has not, the date certified under sub-paragraph (3) above.
- (6) Sub-paragraph (2) above shall not have effect to impose any obligation in relation to—
- (a) the structure of any bridge carrying a highway over, or
 - (b) the structure of any tunnel carrying a highway under,
- any railway of the nominated undertaker.
- (7) Nothing in this paragraph shall prejudice the operation of section 87 of the New Roads and Street Works Act 1991.

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Modifications etc. (not altering text)

- C1 Sch. 3 para. 11 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 11 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

Marginal Citations

- M1 1991 c. 22.

- 12 Notwithstanding anything in section 46 of the ^{M2}Railways Clauses Consolidation Act 1845, as incorporated with this Act, the nominated undertaker shall not be liable to maintain the surface of any highway under or over which the scheduled works shall be constructed, or the immediate approaches to any such highway.

Modifications etc. (not altering text)

- C2 Sch. 3 para. 12 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 12 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

Marginal Citations

- M2 1845 c. 20.

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