

SCHEDULES

SCHEDULE 3

Article 13(1)

APPLICATION OF PROVISIONS OF PRINCIPAL ACT

Provisions of the principal Act applied

1. The following provisions of the principal Act shall apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2 below and, where any special assumption is mentioned in paragraph 3 below for any such provision, on the special assumptions for it so mentioned—

- (a) sections 7, 8, 27 to 30, 43 and 54;
- (b) paragraphs 9 and 10 of Schedule 2;
- (c) paragraphs 3(1)(a), (2) and (3) and 5 to 14 of Schedule 3;
- (d) paragraphs 11 to 13 and 16 of Schedule 4;
- (e) paragraphs 4 and 5 of Schedule 5;
- (f) paragraphs 1 and 2 of Schedule 9;
- (g) paragraphs 5 and 7 of Schedule 10;
- (h) Parts I to IV of Schedule 15.

The General Assumptions

2. The general assumptions are that references in the principal Act in whatever form (including references inserted or substituted by any provision of that Act in any other enactment)—

- (a) to that Act or to Part I or III of that Act were references to this Order;
- (b) to the nominated undertaker were references to Eurostar;
- (c) to the deposited plans, the deposited sections and the book of reference were references to the deposited plan, the deposited sections and the book of reference respectively as defined in article 2(1) above;
- (d) to the scheduled works, or to the limits of deviation for the scheduled works and the limits of land to be acquired or used, were references to the scheduled work or, as the case may be, the Order limits as defined in article 2(1) above;
- (e) to particular provisions of that Act were a reference to those provisions as applied by paragraph 1 above.

The Special Assumptions

3.—(1) In paragraph 3(1) of Schedule 3 to the principal Act, the reference to paragraph 1 of that Schedule shall be treated as a reference to article 4 above.

(2) In paragraph 5 of Schedule 3 to the principal Act, the reference to paragraph 1 or 4 of Schedule 2 to that Act shall be treated as a reference to article 3(3) or (4) above.

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(3) In paragraph 6(3) of Schedule 3 to the principal Act, the reference to paragraph 1(1) of that Schedule shall be treated as a reference to article 4(1) above.

(4) In paragraph 14 of Schedule 3 to the principal Act, the reference to that Schedule shall be treated as a reference to this Order.

(5) In paragraphs 11 and 13 of Schedule 4 and paragraph 4 of Schedule 5 to the principal Act, references to section 4(1) of that Act shall be treated as references to article 5 above.

(6) In paragraph 3(4) of Part I of Schedule 15 to the principal Act, the reference to deemed planning permission shall be treated as a reference to that expression as defined in article 2(1) above.

(7) In paragraph 4 of Part IV of Schedule 15 to the principal Act, references to paragraph 1 of Schedule 3 to that Act shall be treated as references to article 4(1) above.

Ancillary Matters

4.—(1) Regulations made under section 29(4) of the principal Act shall have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974⁽¹⁾, as inserted by section 29(3) of the principal Act and applied by paragraph 1 above, as they have effect for appeals referred to arbitration under that subsection in relation to works carried out in exercise of the powers conferred by Part I of the principal Act.

(2) Rules made under section 43(2) of the principal Act shall apply to an arbitration under this Order as they apply to an arbitration under Part I of the principal Act.

5. Paragraph 9 of Schedule 2 to the principal Act and Schedule 9 to that Act, as they are applied by paragraph 1 above, shall only have effect (so far as concerns entry on land) so as to allow entry on land within the Order limits.

6. Without prejudice to the generality of the general assumptions in paragraph 2 above, the references in section 7(1) of the principal Act to the coming into force of that Act shall be treated (so far as concerns the matters which are the subject of this Order) as references to the coming into force of this Order.

7. Paragraph 10(2) of Schedule 3 to the principal Act, as applied by paragraph 1 above, shall have effect subject to the matters approved in any deemed planning permission.

8. Paragraph 1 of Schedule 9 to the principal Act, as applied by paragraph 1 above, shall have effect as if section 16 of the Railways Clauses Consolidation Act 1845⁽²⁾ were excluded from incorporation with this Order.

(1) 1974 c. 40.

(2) 1845 c. 20.