

## SCHEDULES

### SCHEDULE 3

Article 15(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, 14, 27 to 30, 37, 39, 40, 43, 50 and 54;
- (b) paragraphs 6 to 10 of Schedule 2;
- (c) paragraphs 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) Schedule 9 (except paragraphs 1(3)(c) and 8(2)(a) and (b));
- (g) Schedule 10;
- (h) Schedule 11;
- (i) Schedule 14 (except paragraphs 8(2)(a) and 12); and
- (j) Parts I to IV, VI and VII 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 Union Railways;
- (c) to the scheduled works (except in relation to references to the limits of deviation for the scheduled works), the deposited plans, the deposited sections and the book of reference were references to the scheduled works, the deposited plans, the deposited sections and the book of reference respectively as defined in article 2(1) above;
- (d) to the limits of deviation for the scheduled works or the limits of land to be acquired or used were references to the Order limits as defined in article 2(1) above;
- (e) to the rail link were references to the authorised works (as defined in article 2(1) above);
- (f) to particular provisions of that Act were a reference to those provisions as applied by paragraph 1 above.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### *The Special Assumptions*

3.—(1) The special assumptions are the assumptions set out in sub-paragraphs (2) to (10) below, and have effect for the purposes mentioned in paragraph 1 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.

(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 that paragraph 1(1) as applied by 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, paragraph 4 of Schedule 5 and paragraph 2 of Part VI of Schedule 15 to the principal Act, references to section 4(1) or, as the case may be, section 4 of that Act shall be treated as references to article 8 above.

(6) Paragraph 8(1) of Schedule 10 to the principal Act shall be treated as including a reference to Work No. 1C authorised by this Order and the limits of deviation for that Work.

(7) In paragraph 9 of Schedule 10 to the principal Act, the reference to approved arrangements shall be construed as a reference to any arrangements approved under a condition of a deemed planning permission so far as relating to the routing of vehicles or hours of working.

(8) 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.

(9) 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 that paragraph 1 as applied by article 4(1) above.

(10) In paragraph 1(2) of Part VII of Schedule 15 to the principal Act, the reference to paragraph 11 of Schedule 2 to that Act shall be treated as a reference to article 6 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<sup>(1)</sup>, 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.

(3) An order made under paragraph 11(2) of Schedule 10 to the principal Act shall apply to an application treated as granted under that provision as applied by paragraph 1 above as it applies to an application treated as granted under that paragraph 11(2) as enacted.

5. Paragraphs 6 to 9 of Schedule 2 and the provisions of Schedule 9 to the principal Act as 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.

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(1) 1974 c. 40.

7. Paragraph 3 of Schedule 3 to the principal Act shall apply to the stopping up authorised by article 4 above, treating references to the nominated undertaker as a reference to Union Railways and references to Part I of the principal Act as including a reference to this Order.