
STATUTORY INSTRUMENTS

2004 No. 389

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Network Rail (West Coast Main Line) Order 2004

Made - - - - *12th February 2004*

Coming into force *4th March 2004*

THE NETWORK RAIL (WEST COAST MAIN LINE) ORDER 2004

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Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without prejudice to the generality of paragraph 1, the...

Adaptation of the 1965 Act

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (which relates to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

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SCHEDULE 12 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS
ETC.

Apparatus of statutory undertakers etc. on land acquired

1. (1) Sections 271 to 274 of the 1990 Act (power...

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Apparatus of statutory undertakers etc. in stopped up streets

2. (1) Where a street is stopped up under this Order...

Railway and navigation undertakings

3. (1) Subject to the following provisions of this paragraph, the...

SCHEDULE 13 — PROTECTIVE PROVISIONS

PART I — PROTECTION FOR ELECTRICITY, GAS AND WATER UNDERTAKERS

1. (1) For the protection of the undertakers referred to in...
2. Notwithstanding the temporary stopping up or diversion of any highway...
3. (1) Network Rail, in the case of the powers conferred...
4. Notwithstanding anything in this Order or shown on the deposited...
5. (1) If Network Rail, in the exercise of the powers...
6. (1) Where, in accordance with the provisions of this Part...
7. (1) Not less than 28 days before commencing the execution...
8. Where, by reason of this Order, any part of any...
9. (1) Subject to the following provisions of this paragraph, Network...
10. If in consequence of the exercise of the powers of...
11. (1) Where, by reason of the stopping up of any...
12. Any difference arising between Network Rail and an undertaker under...
13. Nothing in this Part of this Schedule shall affect the...

PART II — PROTECTION FOR OPERATORS OF AN ELECTRONIC COMMUNICATIONS CODE NETWORK

14. For the protection of any operator of an electronic communications...
15. The temporary stopping up or diversion of any highway under...
16. (1) Subject to sub-paragraphs (2) to (4), if by reason...
17. Any difference arising between Network Rail and the operator under...

PART III — PROTECTION FOR SEWERAGE UNDERTAKERS

18. (1) For the protection of sewerage undertakers the following provisions...
19. (1) Before commencing the construction or renewal of any specified...
20. (1) The specified work shall be constructed and in the...
21. (1) Subject to the following provisions of this Part of...
22. (1) An officer of the undertaker duly appointed for the...
23. (1) Notwithstanding the temporary stopping up or diversion of any...
24. Network Rail shall, so far as is reasonably practicable, so...
25. As soon as reasonably practicable after the completion of the...
26. Nothing in this Part of this Schedule shall affect the...
27. Any difference arising between Network Rail and the undertaker under...

PART IV — PROTECTION FOR LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND FISHERIES

28. (1) The following provisions shall apply for the protection of...
29. (1) Before beginning to construct any specified work, Network Rail...
30. Without prejudice to the generality of paragraph 29, the requirements...
31. (1) Subject to sub-paragraph (2), any specified work, and all...
32. (1) Subject to the provisions of this Part of this...
33. Subject to paragraph 35, if by reason of the construction...
34. (1) Network Rail shall take all such measures as may...
35. Nothing in paragraphs 31 to 34 shall authorise the Agency...
36. Network Rail shall indemnify the Agency in respect of all...
37. (1) Without prejudice to the other provisions of this Part...
38. The fact that any work or thing has been executed...

39. For the purposes of section 5 of the Metropolis Management...
40. Any dispute arising between Network Rail and the Agency under...
PART V — PROTECTION FOR BRITISH WATERWAYS BOARD
41. (1) For the protection of BW the following provisions shall,...

Interpretation

Powers requiring BW's consent

42. (1) Network Rail shall not in the exercise of the...

Vehicles, plant and machinery

43. Network Rail shall not use any land or property of...

Closure of towing paths etc.

44. If in consequence of or in connection with the exercise...

Fencing

45. Where so required by the engineer Network Rail shall to...

Approval of plans, protective works, etc.

46. (1) Network Rail shall before commencing construction of any specified...

Notice of works

47. Network Rail shall give to the engineer 56 days' notice...

Lighting

48. Network Rail shall provide and maintain at its own expense...

Construction of specified work

49. (1) Any specified work shall, when commenced, be constructed—

Prevention of pollution

50. Network Rail shall not in the course of constructing any...

Access to work: provision of information

51. (1) Network Rail shall at all times on being given...

Repayment of BW's fees, etc.

52. Network Rail shall repay to BW all fees, costs, charges...

Making good of detriment: compensation and indemnity, etc.

53. (1) If any detriment shall be caused by the construction...

Arbitration

54. Any difference arising between Network Rail and BW under this...

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Explanatory Note