

SCHEDULES

SCHEDULE 7

Article 19

APPLICATION OF PROVISIONS OF THE PRINCIPAL ACT

1. The following provisions of the principal Act apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2—

- (a) section 13 (extinction of rights of statutory undertakers), section 18 (enforcement of restrictions on land use), subsection (2) of section 22 (power to disapply deemed planning permission), section 28 (consecrated land), section 29 (commons and open spaces), section 30 (trees), section 43 (co-operation), section 44 (transfer of functions relating to works), section 51 (enforcement of environmental covenants) and section 64 (arbitration);
- (b) paragraphs 1 (authority to survey and investigate land etc), 2 to 6 (support of buildings), 7 (trees on neighbouring land), 8 (discharge of water) and 10 (electronic communications apparatus) of Part 1 (further and supplementary provisions) and paragraphs 12 to 14 of Part 2 (exercise of powers of entry etc) of Schedule 2 (works);
- (c) paragraphs 10, 12, 14, 16 and 17 of Part 3 (construction and maintenance of highways) of Schedule 4 (Highways);
- (d) paragraph 4 (Acquisition of Land Act 1981) of Schedule 6 (Acquisition of Land: application of compulsory purchase legislation);
- (e) paragraphs 1, 2 and 3 (water abstraction and impounding), 5 (floods), 6 (drainage) and 9 (interpretation) of Schedule 21 (water);
- (f) paragraphs 1 (building regulations), 2 (drain repairs), 3 (drain disconnections) and 6 (interpretation) of Schedule 22 (buildings);
- (g) paragraph 3 (permit schemes) of Schedule 24 (street works);
- (h) paragraphs 1 (control of noise on construction sites), 2 and 3 (defences to proceedings relating to statutory nuisance) and 4 (disapplication of sections 61(9) and 65(8) of Control of Pollution Act 1974) of Schedule 27 (noise);
- (i) paragraphs 1 (Highway (Railway Crossings) Act 1839 (c. 45)), 4 (Railways Clauses Consolidation Act 1845 (c. 20)), 5 (Railways Clauses Act 1863 (c. 92)) and 7 (British Transport Commission Act 1949 (c. xxix)) of Schedule 29 (application of other railway legislation etc);
- (j) Schedule 30 (arbitration between railway operators); and
- (k) Parts 2 (electricity, gas, water and sewerage undertakers), 3 (electronic communications code networks) and 5 (land drainage, flood defence, water resources and fisheries) of Schedule 33 (protective provisions).

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 were references to this Order;
- (b) to Phase One purposes were references to the authorised works;

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

Ancillary matters

3.—(1) Regulations made under paragraph 1(2) (control of noise on construction sites) of Schedule 27 to the principal Act have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974(a), as inserted by paragraph 1(1) of Schedule 27 to the principal Act and applied by paragraph 1(h), 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 1 of the principal Act.

(2) Rules made under section 64(5) (arbitration) of the principal Act apply to an arbitration under this Order as they apply to an arbitration under Part 1 of the principal Act.