
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Construction and alteration. (See end of Document for details)

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 3

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

Construction and alteration

- 12 (1) Where under 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 3 of the New Roads and Street Works Act 1991,
- the construction or alteration must be completed to the reasonable satisfaction of the highway authority.
- (2) Where work mentioned in sub-paragraph (1) has been completed to the reasonable satisfaction of a highway authority, it must certify that fact in writing to the nominated undertaker.
- (3) If the nominated undertaker requests a highway authority to issue a certificate under sub-paragraph (2) and the highway authority does not before the end of the period of 28 days beginning with the date on which the request was made—
- (a) issue a certificate under that sub-paragraph, or
 - (b) notify the nominated undertaker of its decision to refuse to issue such a certificate,
- it is to be treated as having issued such a certificate at the end of that period.
- (4) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- 13 (1) Sub-paragraph (2) applies where under this Act the nominated undertaker—
- (a) constructs a new highway which is constituted by or comprises a carriageway, or
 - (b) realigns a highway which is constituted by or comprises a carriageway.
- (2) The construction or realignment must be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld.
- (3) Any dispute with a highway authority under sub-paragraph (2) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.

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- (4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans, sections or specifications as submitted.
- 14 (1) Where under this Act the nominated undertaker is authorised to stop up or interfere with an existing highway or part of an existing highway, it may enter into an agreement with the controllers of the highway concerning the construction (or contribution towards the expenses of construction) of—
- (a) any new highway to be provided in substitution,
 - (b) any alteration of the existing highway, and
 - (c) any related matters.
- (2) Where the nominated undertaker has entered into an agreement under sub-paragraph (1) with the controllers of an existing highway, the nominated undertaker may, by agreement with them, delegate to them the power of constructing—
- (a) any new highway to be provided in substitution, or
 - (b) any alteration of the existing highway,
- including any bridge over any railway.
- (3) Works executed by the controllers of an existing highway under a delegation agreement under sub-paragraph (2) which could have been carried out by them under section 64 or 184 of the Highways Act 1980 are to be treated for the purposes of section 86(3) of the New Roads and Street Works Act 1991 as having been so carried out by them.
- (4) References in this paragraph to the controllers of a highway are to the persons having the charge, management or control of it.
- 15 (1) This paragraph applies in relation to a work authorised by this Act which appears to the Secretary of State to constitute—
- (a) the construction of an extension to a trunk road or special road, or
 - (b) the realignment of a trunk road or special road.
- (2) The Secretary of State may by regulations made by statutory instrument provide that the highway comprising the extension or realignment is to become a trunk road or special road (or both) as from a date—
- (a) specified in the regulations, or
 - (b) if the regulations so provide, specified in an instrument in writing after the making of the regulations.
- (3) Where, under regulations under this paragraph, a highway becomes a special road—
- (a) the regulations must specify the special road authority for the highway,
 - (b) the highway is to be regarded as provided by the specified special road authority under a scheme under section 16 of the Highways Act 1980 made on the day the regulations are made, and
 - (c) the highway is to be regarded as so provided for the use of traffic of such classes referred to in Schedule 4 to that Act as may be provided for in the regulations (and the regulations may make different provision for different parts of the highway).

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- (4) Provision under sub-paragraph (3)(c) may be expressed by reference to classes of traffic which are at any time authorised under a scheme under section 16 of the Highways Act 1980 in relation to the road of which the highway is a realignment or extension.

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