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SCHEDULES

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO THE SCHEDULED WORKS AND OTHER AUTHORISED WORKS

PART I

APPLICATION OF ENACTMENTS

Application of Part II of the Public Utilities Street Works Act 1950

- 1 (1) Part II of the Public Utilities Street Works Act 1950 (public utilities' street works code where apparatus is affected by road, bridge or transport works) shall apply to any works for the construction or maintenance of Works Nos. 9A, 10A, 11 and 17 as if the Concessionaires were a highway authority.
- (2) This paragraph does not prejudice the application, in accordance with that Act, of Part II of that Act to works required for the purposes of any transport undertaking within the meaning of that Act..

Application of Railways Clauses Acts

- 2 (1) Subject to the following provisions of this paragraph, the Railways Clauses Consolidation Act 1845 and Part I of the Railways Clauses Act 1863, insofar as they are applicable for the purposes of this Act and are not inconsistent with its provisions, are hereby incorporated with this Act.
- (2) The following provisions of the Railways Clauses Consolidation Act 1845 are excepted from incorporation by virtue of sub-paragraph (1) above—
sections 1, 5, 7 to 9, 11, 12, 15, 17, 19, 20, 22, 23, 162 and 163;
but of the provisions of that Act which are so incorporated the following shall not apply to the Concessionaires:—
sections 13, 14, 47, 48, 59 to 62, 75, 77 to 85, 94, 95 and 112 to 124.
- (3) The following provisions of Part I of the Railways Clauses Act 1863 are excepted from incorporation by virtue of sub-paragraph (1) above—
sections 13 to 19;
but of the provisions of that Part of that Act which are so incorporated sections 4 to 7 shall not apply to the Concessionaires.
- (4) For the purposes of the provisions of the said Clauses Acts so incorporated and applicable to the Concessionaires—
(a) references to the company are references to the Concessionaires;
(b) "the railway" means Works Nos. 1 to 5 and other works and things constructed, provided or used for or in connection with those works and, for

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- the purposes of sections 16 and 30 to 44 of the said Act of 1845, includes Work No. 6;
- (c) section 6 of the said Act of 1845 shall have effect as if the words "and to take lands for that purpose" and the words "for the value of the lands so taken or used and" were omitted;
 - (d) section 46 of the said Act of 1845 shall have effect as if the proviso were omitted; and
 - (e) section 68 of the said Act of 1845 shall have effect as if the word "gates" where first occurring, the words "or leading to or from" and the words from "together with all necessary gates" to "all necessary stiles" were omitted.
- (5) For the purposes of the provisions of the said Clauses Acts so incorporated and applicable to the Railways Board—
- (a) references to the company are references to the Railways Board;
 - (b) "the railway" means the Railways Board's scheduled works other than Works Nos. 21 A, 21B and 26A and, for the purposes of sections 16 and 30 to 44 of the said Act of 1845, includes those last-mentioned works.
- (6) For the purposes of the provisions of the said Clauses Acts so incorporated and applicable to the Concessionaires and the Railways Board—
- (a) section 87 of the said Act of 1845 shall have effect as if for the words from "company, being" to "other railway" there were substituted the word "body" and for the words "other company", where secondly occurring, there were substituted the words "other body"; and
 - (b) section 88 of the said Act of 1845 shall have effect as if for the word "companies", in both places where it occurs, there were substituted the word "bodies" and for the word "company" there were substituted the word "body".
- (7) Sections 18 and 21 of the said Act of 1845 as incorporated by sub-paragraph (1) above shall not apply in any case where the relations between either the Concessionaires or the Railways Board and any other persons are regulated by Part II of the Public Utilities Street Works Act 1950 or by Part VI of Schedule 7 to this Act.