
STATUTORY INSTRUMENTS

2001 No. 1368

The Greater Manchester (Light Rapid Transit System) (Mumps Surface Crossing) Order 2001

PART IV

MISCELLANEOUS AND GENERAL

For Protection of Railtrack PLC

15.—(1) In its application to Railtrack PLC, section 18 (for protection of British Railways Board) of the 1994 Act shall apply to the works authorised by, and the exercise of the powers of, this Order as it applies to the works authorised by, and the exercise of the powers of, the 1994 Act.

(2) For the purposes of such application section 18 of the 1994 Act shall have effect as if—

- (a) references to the railways board were references to Railtrack PLC;
- (b) references to the Executive were references to the undertaker;
- (c) references to the 1994 Act were references to this Order; and
- (d) references in paragraph (19) to Works Nos. 1 and 5 authorised by the 1994 Act were references to the scheduled works.

(3) the undertaker shall not in the exercise of the powers of article 10 above appropriate any works of Railtrack PLC in or over Mumps.

(4) The compensation payable under paragraph (18) of section 18 of the Act of 1994, as applied by paragraph (1) above, shall include a sum equivalent to the relevant costs.

(5) Subject to the terms of any agreement between Railtrack PLC and any train operators regarding the terms of payment of the relevant costs in respect of that train operator, Railtrack PLC shall promptly pay to each train operator the amount of any compensation which Railtrack PLC receives under this paragraph which relates to the relevant costs of that train operator.

(6) The obligation under paragraph (4) above to pay Railtrack PLC the relevant costs shall, in the event of default, be enforceable directly by the train operator concerned to the extent that such sums would be payable to that operator pursuant to paragraph (5) above.

(7) In this article—

“relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any restriction of use of Railtrack PLC’s railway network as a result of the construction or maintenance of the specified works or any such failure, act or omission as is mentioned in the said paragraph (18) as applied by paragraph (1) above; and

“train operator” means any person who operates trains in accordance with a licence under section 8 of the Railways Act 1993(1) or an exemption order under section 7 of that Act.

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

Certification of plans etc.

16. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the sections, the land plans and the work plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference, sections and plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

No double recovery

17. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.