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STATUTORY INSTRUMENTS

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**2007 No. 3234**

**The East Kent Railway Order 2007**

**Transfer of rights and obligations to undertaker, etc.**

- 4.—**(1) Except as may be otherwise provided in this Order, as from the relevant date—
- (a) the railway or any part of it shall continue to be subject to all statutory and other provisions applicable to it at that date (in so far as they are still subsisting and capable of taking effect); and
  - (b) the undertaker shall, to the exclusion of the owner or, as the case may be, Network Rail—
    - (i) be entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the railway; and
    - (ii) subject to paragraph (2), be subject to all obligations, statutory or otherwise, relating to the railway (in so far as they are still subsisting and capable of taking effect), to the intent that the owner or, as the case may be, Network Rail shall be released from all such obligations.
- (2) Sections 116 to 118 of the Transport Act 1968<sup>(1)</sup> shall, as from the relevant date, apply to the railway or the relevant part of it as if references to the British Railways Board were references to the undertaker.

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<sup>(1)</sup> 1968 c. 73.