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STATUTORY INSTRUMENTS

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**2012 No. 1993**

**The Nene Valley Railway (Fletton Branch) Order 2012**

**Transfer of railway to undertaker**

3.—(1) The owner and the undertaker may enter into and carry into effect agreements providing for the sale to, and vesting in, the undertaker of the railway or any part of it.

(2) Except as may be otherwise provided in this Order, as from the transfer date—

(a) the railway or any part of it continues to be subject to all statutory and other provisions applicable to the railway at that date (in so far as those provisions continue in force and are capable of taking effect); and

(b) the undertaker is to the exclusion of the owner—

(i) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the railway or any part of it; and

(ii) subject to all obligations statutory or otherwise relating to the railway or any part of it (in so far as those provisions continue in force and are capable of taking effect) to the intent that the owner is released from all such obligations.

(3) As from the transfer date sections 116 (transfer of responsibility for maintenance of highways on bridges over Boards' railways, inland waterways, etc.) to 118 (duty of highway authorities, etc., as respects bridges over Boards' railways or inland waterways.) of the Transport Act 1968<sup>(1)</sup> apply to the railway or to the relevant part of it as if references to the British Railways Board were references to the undertaker.

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(1) 1968 c. 73.