

SCHEDULES

SCHEDULE 12

THE A2 AND M2 IMPROVEMENT WORKS

PART III

MISCELLANEOUS

Status of new highways

- 6 (1) On the date on which this Act is passed the highways comprised in Works Nos. 33B, 36A, 36B, 36C, 36D, 37B, 39A, 39B, 39C, 39D and 42B shall become trunk roads and special roads for the exclusive use of traffic of Classes I and II of the classes of traffic specified in Schedule 4 to the Highways Act 1980.
- (2) The highways which become special roads by virtue of sub-paragraph (1) above shall be treated as provided by the Secretary of State under a scheme made by him under section 16 of the Highways Act 1980—
- (a) prescribing the route of those highways as the route of the special roads authorised by the scheme,
 - (b) prescribing the classes of traffic mentioned in that sub-paragraph, and
 - (c) specifying the date on which this Act is passed as the date on which those special roads were to become trunk roads.
- 7 On the date on which this Act is passed—
- (a) the highways comprised in Works Nos. 32A and 35A, and
 - (b) the highway comprised in Work No. 32B from the intersection of that work with Work No. 32C to its termination,
- shall become trunk roads as if they had become so by virtue of an order under section 10(2) of the Highways Act 1980 specifying that date as the date on which they were to become trunk roads.
- 8 (1) On the date certified by the Secretary of State as the date on which any highway constructed in pursuance of this Schedule, other than one to which paragraph 6 or 7 above applies, is open for public use, that highway shall be transferred to the Kent County Council and, following that transfer, shall be treated for the purposes of the Highways Act 1980 as if it had been so transferred by means of an order made under section 14(1)(b) or, as the case may be, 18(1)(d) of that Act.
- (2) The Secretary of State may classify any highway proposed to be constructed in pursuance of this Schedule, other than one to which paragraph 6 or 7 above applies, in any manner in which, and for any purposes for which, he could classify that highway under section 12(3) of that Act.
- (3) On the date of its transfer under sub-paragraph (1) above to the Kent County Council any highway classified under sub-paragraph (2) above shall become a highway

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classified in the manner and for the purposes in question as if so classified under section 12(3) of that Act.

Status of operations and works

- 9 The construction by the Secretary of State of a highway in pursuance of this Part of this Act shall be treated as the construction of a highway authorised by, and in pursuance of—
- (a) a scheme under section 16 of the Highways Act 1980, in the case of the highways to which paragraph 6 above applies,
 - (b) section 24(1) of that Act, in the case of the highways to which paragraph 7 above applies, and
 - (c) an order under section 14 of that Act made in relation to the highways to which paragraph 7 above applies, in any other case.
- 10 (1) The following operations and works, namely—
- (a) the carrying out of any of the A2 and M2 improvement works which is not the construction of a highway,
 - (b) the stopping up of any highway in pursuance of Part II of this Schedule, and
 - (c) the stopping up of means of access to premises and the provision of new means of access in pursuance of Part II of this Schedule,
- shall be treated as authorised by an order made by the Secretary of State under section 18 of the Highways Act 1980 in relation to the roads which become special roads by virtue of paragraph 6 above, and, in the case of operations and works falling within paragraph (c) above, as so authorised by virtue of section 125 of that Act.
- (2) Subject to section 21 of that Act as it applies by virtue of sub-paragraph (1) above, the stopping up of any highway in pursuance of Part II of this Schedule shall not affect any rights—
- (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date on which this Act is passed is under, in, on, over, along or across that highway; or
 - (b) of any sewerage undertakers in respect of any sewers or sewage disposal works of theirs which immediately before that date are under, in, on, over, along or across that highway.

Treatment of provisions of this Schedule for Highways Act purposes

- 11 (1) Where, by virtue of any of the provisions of this Part of this Schedule, any operation or work is to be treated as authorised by an order under section 14 or 18 of the Highways Act 1980, any provision of Parts I and II of this Schedule relating to that operation or work shall be treated for the purposes of that Act as a provision of such an order.
- (2) The provisions of paragraph 6 above relating to highways which are to be treated by virtue of that paragraph as provided under a scheme made under section 16 of the Highways Act 1980 shall be treated for the purposes of that Act as provisions of such a scheme.

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Regulation of traffic on new roads

- 12 (1) Subject to sub-paragraph (2) below, any power under the Road Traffic Regulation Act 1984 to make an order or to give a direction with respect to any road shall be exercisable in relation to any road forming or forming part of any of the A2 and M2 improvement works before that road is open for public use, in any case where it appears to the Secretary of State to be expedient that the order or (as the case may be) the direction should have effect immediately on the road's becoming open for public use.
- (2) The procedure otherwise applicable under that Act in relation to the making of any such order or the giving of any such direction shall apply in any such case with such modifications as the Secretary of State may determine; and he shall publish notice of those modifications in such manner as appears to him to be appropriate for bringing them to the notice of persons likely to be affected by the provisions of any such order or (as the case may be) by any such direction.