

## SCHEDULE 2

Regulation 1

### TRANSITIONAL PROVISIONS

1. The 1973 Regulations shall continue to have effect in relation to—
  - (a) a duty which has arisen under Regulation 3 of those Regulations before the commencement date if a map or list has been published before that date under Regulation 6 of those Regulations identifying the eligible building with respect to which that duty has arisen or, except where the relevant date is on or after that date, identifying another eligible building with respect to which a duty under Regulation 3 of those Regulations has also arisen in relation to the same highway as that to which that duty relates;
  - (b) a power which has arisen under Regulation 4(1) or 5(1) of those Regulations before the commencement date if before that date—
    - (i) a map or list has been published under Regulation 6 of those Regulations identifying the eligible building with respect to which that power has arisen, or
    - (ii) an offer has been made under Regulation 8 of those Regulations in respect of that building; and
  - (c) a power which has arisen under Regulation 4(4) of those Regulations if that power is incidental to a duty under Regulation 3 of those Regulations, or to a power under Regulation 4(1) of those Regulations, in relation to which the 1973 Regulations are to continue to have effect by virtue of the provisions of this paragraph.

Provided that where by virtue of this paragraph the 1973 Regulations are to continue to have effect the appropriate highway authority may proceed as if for the provisions of Regulation 8(2) to (7) and Regulation 10 of the 1973 Regulations there were substituted the provisions of Regulation 8(2) to (8) and Regulation 10 of these Regulations and as if for the provisions of Regulations 9, 11 and 14 of those Regulations there were substituted respectively the provisions of Regulations 9, 11 and 14 of these Regulations, or as if any one or more of those substitutions were made.

2.—(1) Where by virtue of paragraph 1(a) of this Schedule the 1973 Regulations are to continue to have effect in relation to a duty under Regulation 3 of those Regulations—

- (a) if the relevant date was before the commencement date no duty shall arise under Regulation 3 of these Regulations in relation to the highway to which that duty relates;
- (b) if the relevant date is on or after the commencement date, no duty shall arise under Regulation 3 of these Regulations with respect to the eligible building to which that duty relates.

(2) Where by virtue of paragraph 1(b) of this Schedule the 1973 Regulations are to continue to have effect in relation to a power under Regulation 4(1) or 5(1) of those Regulations no power shall arise under Regulation 4(1) or 5(1) of these Regulations respectively with respect to the eligible building to which that power relates.

3.—(1) Where following a request made under Regulation 13(1) of the 1973 Regulations a review under Regulation 13(3) of those Regulations, whether carried out before or after the commencement date, does not show that a duty under Regulation 3 of those Regulations has arisen with respect to a building, and the relevant date is less than twelve months before the commencement date, the appropriate highway authority shall also carry out a review in accordance with Regulation 13(4) of these Regulations and if the latter review shows that but for the provisions of paragraphs 2(1)(a) of this Schedule a duty under Regulation 3 of these Regulations would have arisen with respect to the building, they shall comply with the request as if it had been a request under Regulation 13(1) of these Regulations.

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(2) Where following a request under Regulation 13(1) of these Regulations a review under Regulation 13(4) does not show that a duty under Regulation 3 has arisen with respect to a building, and the relevant date is before the commencement date, the appropriate highway authority shall also carry out a review in accordance with Regulation 13(3) of the 1973 Regulations and if the latter review shows that but for the provisions of Regulation 1(2) of these Regulations there would be a duty under Regulation 3 of those Regulations with respect to the building, they shall comply with the request.