

SCHEDULES

SCHEDULE 4

THE A20 IMPROVEMENT WORKS

PART III

MISCELLANEOUS

Status of new highways

- 6 (1) On the date on which this Act is passed the roads mentioned in sub-paragraph (2) below 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 as if the provision by him of special roads along the route of those roads had been authorised by a scheme made by the Secretary of State under section 16 of that Act—
- (a) prescribing that route as the route for the special roads;
 - (b) prescribing both those classes of traffic; and
 - (c) specifying that date as the date on which those special roads were to become trunk roads.
- (2) The roads to which sub-paragraph (1) above applies are—
- (a) so much of the roads forming Works Nos. 31 and 32 as lie, in the case of Work No. 31, between its commencement and a point on the road 690 metres from that commencement and, in the case of Work No. 32, between its commencement and a point on the road 875 metres from that commencement; and
 - (b) the slip roads forming or forming part of Works Nos. 34A and 34D.
- (3) On the date on which this Act is passed the roads mentioned in sub-paragraph (4) below 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.
- (4) Those roads are—
- (a) such parts of the roads forming Works Nos. 31 and 32 as do not on that date become trunk roads and special roads by virtue of sub-paragraph (1) above;
 - (b) the roads forming Works Nos. 33, 34F, 44A and 44B; and
 - (c) the slip roads forming or forming part of Works Nos. 34B and 34E and the trunk road parts of Works Nos. 38A, 38B, 38C and 38D.
- (5) The roads forming—
- (a) in the case of each of Works Nos. 38A and 38C, the part from its commencement to a point certified by the Secretary of State for the purposes of sub-paragraph (4)(c) above; and

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(b) in the case of each of Works Nos. 38B and 38D, the part from a point so certified to its termination;

shall be the trunk road parts of those works for those purposes.

- 7 (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 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 virtue of an order made under the provision of that Act which applies in relation to its construction by virtue of paragraph 8 below.
- (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 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 classified in the manner and for the purposes in question as if so classified under section 12(3) of that Act.

Regulation of construction of works

- 8 The construction by the Secretary of State of a highway in pursuance of this Act shall be treated as the construction of a highway in pursuance of—
- (a) a scheme under section 16 of the Highways Act 1980, in the case of the roads mentioned in paragraph 6(2) above;
- (b) section 24(1) of that Act, in the case of the roads mentioned in paragraph 6(4) above;
- (c) an order under section 18 of that Act made in relation to the roads which become trunk roads and special roads by virtue of paragraph 6(1) above, in the case of the road forming Work No. 34C; and
- (d) an order under section 14 of that Act made in relation to the roads which become trunk roads by virtue of paragraph 6(3) above, in any other case.

Status of ancillary operations and works

- 9 (1) The carrying out of any of the A20 improvement works which is not the construction of a highway and the stopping up of any highway in pursuance of Part II of this Schedule shall be treated as having been authorised by an order under section 14 of the Highways Act 1980 made in relation to the roads which become trunk roads by virtue of paragraph 6(3) above.
- (2) Subject to sections 21 and 22 of that Act as they apply 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 authority 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.

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Application of Highways Act powers to provisions of this Schedule

- 10 (1) Any provision of Part I or II of this Schedule relating to any operation or work which by virtue of any of the preceding provisions of this Part of this Schedule is to be treated as authorised by an order under section 14 or 18 of the Highways Act 1980 shall be treated for the purposes of that Act as provisions of such an order.
- (2) The provisions of paragraph 6(1) above shall be treated for those purposes as provisions of a scheme under section 16 of that Act.

Regulation of traffic on new roads

- 11 (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 A20 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.