



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Railway matters

43 Co-operation

- (1) Where the nominated undertaker considers that a matter affects—
 - (a) the construction, maintenance or operation of Phase One of High Speed 2, and
 - (b) the construction, maintenance or operation of a railway asset, or other railway facility, which is not a Phase One asset or facility,the nominated undertaker may by notice require a controller of the asset or facility to enter into an agreement with the nominated undertaker about how the matter is to be dealt with.
- (2) Where a controller of a railway asset, or other railway facility, that is not a Phase One asset or facility considers that a matter affects—
 - (a) the construction, maintenance or operation of the asset or facility, and
 - (b) the construction, maintenance or operation of Phase One of High Speed 2,the controller may by notice require the nominated undertaker to enter into an agreement with the controller about how the matter is to be dealt with.
- (3) The terms of an agreement under subsection (1) or (2) are to be such as the nominated undertaker and the controller may agree or, in default of agreement, as may be determined by arbitration.
- (4) Schedule 30 contains provision about arbitration under subsection (3) (which is in addition to the general provision about arbitration in section 64).
- (5) For the purposes of this section, a railway asset or other railway facility is a “Phase One asset or facility” if—
 - (a) in the case of a railway asset consisting of any train being used on a network, the network is comprised in Phase One of High Speed 2, and

- (b) in any other case, if the railway asset or other railway facility is used, or intended for use, for Phase One purposes.
- (6) Subsections (1) and (2) do not apply in relation to—
- (a) a matter which pursuant to any enactment must or may be dealt with by the Office of Rail and Road, or
 - (b) a matter relating to an agreement which pursuant to any provision of that or any other agreement must or may be dealt with by the Office of Rail and Road.
- (7) In this section—
- “controller”, in relation to a railway asset or facility, means—
 - (a) the person having the management of the asset or facility for the time being, or
 - (b) a person who owns, or has rights in relation to, the asset or facility;
 - “network”, “railway asset” and “train” have the same meanings as in Part 1 of the Railways Act 1993;
 - “railway facility” includes a maintenance depot, electrical supply facility or stabling facility.