
STATUTORY INSTRUMENTS

2005 No. 3523

The Cambridgeshire Guided Busway Order 2005

PART 6

MISCELLANEOUS AND GENERAL

As to local railway enactments

53.—(1) Any local enactment which makes provision in relation to any railway or former railway within the limits of deviation shall have effect subject to the provisions of this Order.

(2) The following enactments shall cease to have effect on the transfer to the undertaker of Network Rail's interest in the land within the limits of deviation for Works Nos. 1 to 12 or so much of that interest as the undertaker may require for the purposes of those works—

- (a) The Cambridge and Huntingdon Railway Act 1845⁽¹⁾; and
- (b) Section 7(E) and (G) and sections 8, 9, 11 and 28 of the Great Eastern Railway Act 1875⁽²⁾.

(3) The Bedford and Cambridge Railway Act 1860⁽³⁾ shall cease to have effect in its application to any part of the lands within the limits of deviation for Works Nos. 14 to 16 upon the transfer to the undertaker under or for the purposes of the Order of Network Rail's interest in such land.

Disclosure of confidential information

54. A person who—

- (a) enters a factory, workshop or workplace in pursuance of the provisions of article 19; and
- (b) discloses to any person any information obtained by him relating to any manufacturing process or trade secret,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter the land.

Certification of plans, etc.

55. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the book of reference, and the plans and sections to the Secretary of State for certification that they are true copies of, respectively, the book of reference, plans and sections referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(1) 1845 c. cci.
(2) 1875 c. cxxxiv.
(3) 1860 c. clxxxiii.

Service of notices

56.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978⁽⁴⁾ as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

57. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Arbitration

58. Unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

(4) 1978 c. 30.