

## SCHEDULES

### SCHEDULE 13

#### PROTECTIVE PROVISIONS

### PART 2

#### FOR THE PROTECTION OF HIGHWAYS ENGLAND

##### **Indemnification**

**12.**—(1) The undertaker must in relation to the carrying out of the trunk road works take such precautions for the protection of the public and private interest as would be incumbent upon it if it were the highway authority and must indemnify Highways England from and against all costs expenses damages losses and liabilities arising from or in connection with or ancillary to any claim demand action or proceedings resulting from the design and carrying out of the trunk road works provided that—

- (a) the foregoing indemnity does not extend to any costs, expenses, liabilities and damages caused by or arising out of the neglect or default of Highways England or its officers, servants, agents or contractors or any person or body for whom it is responsible;
- (b) Highways England must notify the undertaker immediately upon receipt of any claim; and
- (c) Highways England must, following the acceptance of any claim, notify the quantum to the undertaker in writing and the undertaker must within 14 days of the receipt of such notification pay to Highways England the amount specified as the quantum of such claim.

(2) The undertaker must notify Highways England of the intended date of opening of each phase to public traffic not less than 14 days in advance of the intended date and the undertaker must notify Highways England of the actual date that each phase is open to public traffic on each occasion within 14 days of that occurrence.

**Changes to legislation:**

There are currently no known outstanding effects for the The West Midlands Rail Freight Interchange Order 2020, Paragraph 12.