

SCHEDULES

SCHEDULE 12

PROTECTIVE PROVISIONS

PART 4

FOR THE PROTECTION OF NATIONAL HIGHWAYS LIMITED

Land

54.—(1) Following the issue of the final certificate pursuant to paragraph 48(4) National Highways may serve notice on the undertaker that it wishes to take a freehold transfer of land within the extent of strategic road network boundary which is not in the ownership of National Highways but has been acquired by the undertaker for the purposes of carrying out the specified works.

(2) If the undertaker receives notice under sub-paragraph (1) then the undertaker must effect a freehold transfer of the land which is the subject of the notice and complete such transfer as soon as reasonably practicable at no cost to National Highways.

(3) The undertaker must not under the powers of this Order—

- (a) acquire or use land forming part of;
- (b) acquire new or existing rights over; or
- (c) seek to impose or extinguish any restrictive covenants over;

any of the strategic road network, or extinguish any existing rights of National Highways in respect of any third party property, except with the consent of National Highways by written request to legalservicesinbox@nationalhighways.co.uk.

(4) Where any land or interest is proposed to be acquired for the benefit of National Highways, the undertaker must, unless otherwise agreed by National Highways, exercise article 19 (compulsory acquisition of rights) as applied by article 23 (modification of Part 1 of the Compulsory Purchase Act 1965) and article 21 (application of the 1981 Act) of this Order to directly vest in National Highways any such land or interest.