

ARTICLE 17
Arbitration

1. Should any dispute arise between the Railway Undertaking and any other party in relation to the execution of railway works authorised by or the powers or provisions granted by or contained in this Order, the following provisions shall apply:
 - (a) The Railway Undertaking and the Undertaker concerned shall use their best endeavours to resolve any such dispute on terms acceptable to both parties.
 - (b) If, after such period as the Railway Undertaking or the other party considers reasonable, such dispute has not been resolved to the satisfaction of both parties the following provisions shall apply:
 - (i) either party may, by 14 days notice in writing to the other party, require the subject matter of the dispute to be submitted to a single Arbitrator and shall, in such notice, nominate a person to arbitrate upon the subject matter of the dispute;
 - (ii) The party receiving such notice may, within the said period of 14 days, by a counter notice, either
 - (A) accept the Arbitrator nominated by the party serving the original notice or
 - (B) nominate not less than two alternative persons to act as such Arbitrator;
 - (iii) If any one of the persons nominated by the parties is acceptable to both parties of the dispute then the subject matter of the arbitration shall be referred to such Arbitrator as soon as may be after such Arbitrator has indicated his willingness to act as Arbitrator;
 - (iv) If, after service of such notice and such counter-notice, the parties fail to agree upon an Arbitrator or if an Arbitrator agreed upon has failed to indicate, within 14 days of being so requested, his willingness to act then either party may apply to the Chairman for the time being of the Irish Branch of the Chartered Institute of Arbitrators for the appointment of an arbitrator;
 - (v) Where the Arbitrator is so appointed by the Chairman of the Irish Branch of the Chartered Institute of Arbitrators, he or she shall notify the parties in writing of his or her appointment as soon as may be thereafter and shall conduct the arbitration in accordance with the rules of the Irish Branch of the said Institute.
 - (vi) The provisions of the Arbitration Acts, 1954 – 1980 shall apply to the arbitration and the decision of the Arbitrator in relation to the dispute and all matters connected therewith shall be binding on the parties thereto.

ARTICLE 18
PRESERVATION OF STATE RIGHTS

1. Nothing in this Order shall affect any property real or personal vested in the State or in any Minister thereof or be construed so as to restrict or prejudice the rights of the State or any right, power, privilege or duty vested by law in any Minister or any officer of the State, and, in particular, any powers of erecting, constructing, altering or extending any works on any such property as aforesaid shall not confer on the Railway Undertaking any rights of entry into, or any estate, or interest in any such property, but this Article shall not operate to prevent the exercise in accordance with this Order by the Railway Undertaking of such powers if and when such right of entry as aforesaid has been duly obtained according to law by the Railway Undertaking.

ARTICLE 19
EXPENSES OF MINISTER

1. Any expenses incurred by the Minister in the exercise of his or her powers and functions under this Order shall to such extent as may be determined by the Minister for Finance be paid to the Minister by the Railway Undertaking.

**FIRST SCHEDULE
DESCRIPTION OF THE RAILWAY AND RAILWAY WORKS
AUTHORISED BY THIS ORDER**

Work Item No.

1840.01	NOT USED.
1840.02	Demolish and remove existing footbridge No. 8 at Cherry Orchard Station as shown - in plan on Plan Nos. 1840 - in section on Plan No. . S001
1840.03	Demolish and close the existing Cherry Orchard Station including the removal of both single faced platforms. The site is to be landscaped as shown - in plan on Plan Nos. 1840, 1841 & S001,
1840.04	NOT USED.
1840.05	Construct the new Up Slow to Up Fast trailing lead, approximately 640 metres to the west of the Le Fanu Road overbridge (No. 7) as shown - in plan on Plan No. 1840, and - in section on Plan Nos. P005, P006 & L001.
1840.06	Construct the new Up Slow and Up Fast railway tracks from a point approximately 690 metres to the west of the Le Fanu Road overbridge (No. 7); running in a generally west and then south-westerly direction to a point approximately 72 metres to the east of the proposed footbridge No. 23, as shown - in plan on Plan Nos. 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850 & 1851 - in section on Plan Nos. P006, P007, P008, P009, P010, P011, P012, P013, P014, P015, P016, P017, P018 & L001.

Work Item No.

- 1840.07** Construct new Down Slow to Down Fast trailing lead, approximately 290 metres west of Le Fanu road overbridge (No. 7).
- in plan on Plan Nos. 1840 and
 - in section on Plan Nos. P005, P006 & L001.
- 1840.08** NOT USED.
- 1840.09** NOT USED.
- 1840.10** Construct a 220 metre long crib wall with a maximum height of 4.0 metres. The wall is located to the north of and runs parallel to the Railway, and to the west of the Le Fanu Road overbridge (No. 7), as shown
- in plan on Plan Nos. 1840 & G001, and
 - in section on Plan No. G001.
- 1840.11** Construct a 310 metre long contiguous bored pile retaining wall with a maximum wall height of 3.2 metres. The wall is located to the north of and runs parallel to the Railway, and to the west of the Le Fanu Road overbridge (No. 7), as shown
- in plan on Plan Nos. 1840 & G001 and
 - in section on Plan No. G001.
- 1840.12** Construct a 220 metre length of cutting with a maximum depth of 3.1 metres. The cutting is located to the north of and runs parallel to the Railway at Cherry Orchard Station, as shown
- in plan on Plan Nos. 1840, 1841 & G002 and
 - in section on Plan No. G002.
- 1840.13** Construct a new underground rainwater storage tank at Cherry Orchard station as shown,
- in plan on Plan Nos. 1840 and L002
- 1840.14** NOT USED.

Work Item No.

- 1841.01** Construct a new replacement footbridge No. 8 at the site of the demolished Cherry Orchard Station footbridge 8A as shown
- in plan on Plan Nos. 1841 & S001,
 - in elevation on Plan No. S001, and
 - in section on Plan No. S001.
- 1841.02** NOT USED
- 1841.03** Reposition the Down Slow and Down Fast railway tracks from a point approximately 310 metres to the east of the proposed Park West Station; running in a generally westerly direction to a point approximately 330 metres to the west of the proposed Fonthill Road Station, as shown
- in plan on Plan Nos. 1841, 1842, 1843 & 1844
 - in section on Plan Nos. P007, P008, P009, P010, P011 & L001.
- 1841.04** Construct an 830 metre long crib wall 2.5m high with back slope The wall is located to the north of and runs parallel to the Railway, and to the west of Cherry Orchard Station, as shown
- in plan on Plan Nos. 1841 & G001, and
 - in section on Plan Nos. 1841 & G001.
- 1841.05** Construct a 270 metre length of cutting with a maximum depth of 2.6 metres. The cutting is located to the north of and runs parallel to the Railway at the proposed Park West Station, as shown
- in plan on Plan Nos. 1841, 1842 & G002, and
 - in section on Plan No. G002.
- 1841.06** Construct a 90 metre length of cutting with a maximum depth of 3.7 metres. The cutting is located to the south of and runs parallel to the Railway, and to the east of the proposed Park West Station, as shown
- in plan on Plan Nos. 1841 & G002, and
 - in section on Plan No. G002.