

SCHEDULE 7

STATUTORY UNDERTAKERS, ETC.

Apparatus of statutory undertakers, etc. in stopped up road

2.—(1) If Waverley Steps is stopped up under article 8 (permanent stopping up of road) any statutory undertaker whose apparatus is in Waverley Steps shall have the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Order had not been made.

(2) Network Rail shall give to any statutory undertaker whose apparatus is in Waverley Steps not less than 28 days' notice in writing of its intention to stop up Waverley Steps under article 8.

(3) If Waverley Steps is stopped up under article 8 any statutory undertaker whose apparatus is in Waverley Steps may where reasonably necessary for the efficient operation of the undertaking of the statutory undertaker and, if reasonably requested to do so by Network Rail, shall—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the statutory undertaker may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position.

(4) The allowable costs of the relocations works shall be—

- (a) determined in accordance with section 144 (sharing costs of necessary measures) of the 1991 Act and any regulations for the time being having effect under that section; and
- (b) borne by Network Rail and the statutory undertaker in such proportions as may be prescribed by any such regulations.

(5) In this paragraph—

“apparatus” has the same meaning as in Part 4 of the 1991 Act⁽¹⁾;

“relocation works” means works executed, or apparatus provided, under sub-paragraph (3); and

“statutory undertaker” has the same meaning as in the 1984 Act⁽²⁾.

(1) For the definition of “apparatus” see sections 148(2) and 164(1) of the 1991 Act.

(2) For the definition of “statutory undertaker” see section 151(1) of the 1984 Act.