

SCHEDULES

SCHEDULE 7

PROTECTIVE PROVISIONS

PART V

PROTECTION OF RTZ ESTATES LIMITED

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the protected body, have effect for the protection of the interests of that body in the protected premises.
- (2) In this Part of this Schedule—
 - “the protected body” means RTZ Estates Limited and includes the successors in title to, and assigns of the interest of, that company as owner and occupier of the protected premises;
 - “the protected premises” means the lands numbered on the deposited plans 20 in the Borough of Thurrock and the jetty;
 - “the jetty” means the existing jetty of the company within the lands numbered on the deposited plans 21 in the Borough of Thurrock.
- 2 (1) Subject to sub-paragraph (3) below, the Secretary of State shall be responsible for, and make good to the protected body, costs, charges, losses and expenses which may be occasioned to, or reasonably incurred by, the protected body—
 - (a) by reason of any damage to the property of the protected body caused by the execution of the works mentioned in paragraph 11 of Part VIII of Schedule 1 to the 1984 Act or the failure of any such works; or
 - (b) by reason of any act or omission of the Secretary of State, or of any person in his employ or of his contractors or others in the course of the improvement or maintenance of those works.
- (2) Without prejudice to the generality of sub-paragraph (1) above, the costs, losses and expenses there referred to include any costs and expenses reasonably incurred or losses suffered by the protected body by reason of—
 - (a) any damage to the railway embankment between the jetty and the southern side of the Tilbury Branch Railway or to the railway, and the oil and other pipelines and services, on or in that embankment; and
 - (b) any interruption to or interference with the use of the jetty or the operation of the said railway, pipelines and services;caused by the execution of the works referred to in sub-paragraph (1)(a) above or by any settlement or subsidence of those works or movement of soil attributable to the construction of those works.
- (3) The protected body shall give to the Secretary of State reasonable notice of any claim or demand in respect of which the Secretary of State may be liable under sub-

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paragraph (1) above and no settlement or compromise of any such claim or demand shall be made without his prior consent.

- 3 Any difference arising between the Secretary of State and the protected body under this Part of this Schedule shall be determined by arbitration.