

SCHEDULES

SCHEDULE 5

DRIVER INFORMATION SYSTEMS: UNDERTAKERS' WORKS

Counter-notices

- 3 Where a notice has been given under paragraph 2 above by a relevant undertaker to the operator, the operator may within the period of 10 days beginning with the giving of the notice give the relevant undertaker a counter-notice which may state either—
- (a) that the operator intends himself to make any alterations made necessary or expedient by the proposed undertaker's works; or
 - (b) that he requires the undertaker in making any such alteration to do so under the supervision and to the satisfaction of the operator.
- 4 Where a counter-notice given under paragraph 3 above states that the operator intends himself to make any alteration—
- (a) the operator shall (subject to paragraph 6 below) have the right, instead of the relevant undertaker, to execute any works for the purpose of making that alteration; and
 - (b) any expenses incurred by the operator in or in connection with the execution of those works and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.
- 5 Where a counter-notice given under paragraph 3 above states that any alteration is to be made under the supervision and to the satisfaction of the operator—
- (a) the relevant undertaker shall not make the alteration except as required by the notice or under paragraph 6 below; and
 - (b) any expenses incurred by the operator in or in connection with the provision of that supervision and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.