

## SCHEDULES

### SCHEDULE 2

#### WORKS: SUPPLEMENTARY

##### *Works affecting apparatus*

- 15 (1) Sub-paragraph (2) below applies where—
- (a) statutory undertakers' apparatus is or may be affected by any works executed under any of the powers conferred on the Development Corporation by section 1 of this Act or this Schedule, and
  - (b) section 84 of the New Roads and Street Works Act 1991 does not apply.
- (2) Where this sub-paragraph applies the Development Corporation and the statutory undertakers shall take such steps as are reasonably required—
- (a) to identify any measures needing to be taken in relation to the apparatus in consequence of, or in order to facilitate, the execution of the works,
  - (b) to settle a specification of the necessary measures and determine by whom they are to be taken, and
  - (c) to co-ordinate the taking of those measures and the execution of the works, so as to secure the efficient implementation of the necessary work and the avoidance of unnecessary delay.
- (3) The costs of those measures shall be borne by the Development Corporation except—
- (a) where the apparatus in question was placed after the Development Corporation had given the statutory undertakers notice in writing of their intention to execute the works, or
  - (b) where they are taken to remedy matters for which the Development Corporation were not to blame.
- (4) Any question arising under this paragraph shall, in default of agreement, be settled by arbitration.
- (5) If there is a failure on the part of the Development Corporation or the statutory undertakers to comply with an agreement or arbitrator's decision as to any of the matters mentioned in sub-paragraph (2) above, the Development Corporation or the statutory undertakers shall be liable to compensate the other in respect of any loss or damage resulting from the failure.
- (6) In this paragraph “apparatus” and “affected by” have the same meanings as in Part III of the New Roads and Street Works Act 1991.
- 16 Paragraph 23 of Schedule 2 to the Telecommunications Act 1984 (procedure where works involve the alteration of telecommunication apparatus) shall apply to the Development Corporation for the purposes of any works carried out by them in exercise of any of the powers conferred by section 1 of this Act or this Schedule.