Status: *Point in time view as at 01/12/2008.*
Changes to legislation: *Housing and Regeneration Act 2008, Part 2 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 4

POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

PART 2

POWERS FOR UNDERTAKERS TO CARRY OUT WORKS

Notices to carry out works

9 (1) Sub-paragraph (2) applies if—

(a) apparatus vested in, or belonging to, statutory undertakers is on, under or over land of the HCA, and

(b) the statutory undertakers claim that development to be carried out on the land will require, on technical or other grounds connected with carrying on their undertaking, the removal or re-siting of the apparatus affected by the development.

(2) The statutory undertakers may serve on the HCA a notice claiming the right to—

(a) enter on the land, and

(b) carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

(3) No notice may be served under sub-paragraph (2) more than 21 days after the beginning of the development on the land.

Commencement Information

I1 Sch. 4 para. 9 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Counter-notices

10 (1) Sub-paragraph (2) applies if statutory undertakers serve a notice under paragraph 9 on the HCA.

(2) The HCA may, before the end of the period of 28 days beginning with the date of the service of the notice, serve a counter-notice on the statutory undertakers.

(3) The counter-notice is a notice stating that the HCA objects to all or any provisions of the notice under paragraph 9.

(4) The counter-notice must also specify the grounds of the HCA's objection.

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Commencement Information
I2 Sch. 4 para. 10 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Effect of unopposed notice

11 (1) This paragraph applies if—
(a) a notice is served under paragraph 9,
(b) no counter-notice is served under paragraph 10, and
(c) the period of 28 days beginning with the date of the service of the notice under paragraph 9 has ended.

(2) The statutory undertakers have the rights claimed in their notice under paragraph 9.

Commencement Information
I3 Sch. 4 para. 11 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Opposed notices and Ministerial orders

12 (1) This paragraph applies if—
(a) a notice is served under paragraph 9, and
(b) a counter-notice is served under paragraph 10.

(2) The statutory undertakers may—
(a) withdraw the notice served under paragraph 9, or
(b) apply to the Secretary of State and the appropriate Minister for an order under sub-paragraph (3).

(3) The Secretary of State and the appropriate Minister may by order confer on the statutory undertakers—
(a) the rights claimed in the notice under paragraph 9, or
(b) such modified rights as the Secretary of State and the appropriate Minister consider it appropriate to confer on the statutory undertakers.

(4) The fact that a notice has been withdrawn under sub-paragraph (2)(a) does not prejudice the service of a further notice.

Commencement Information
I4 Sch. 4 para. 12 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to arrange for the works to be done by the HCA

13 (1) Sub-paragraph (2) applies if statutory undertakers have the right to carry out works for the removal or re-siting of apparatus by virtue of this Part of this Schedule.

(2) The statutory undertakers may arrange with the HCA for the works to be carried out by the HCA, under the superintendence of the statutory undertakers, instead of by the statutory undertakers themselves.

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Commencement Information

I5 Sch. 4 para. 13 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Compensation

14 (1) Statutory undertakers are entitled to compensation from the HCA if works are carried out for the removal or re-siting of their apparatus which they have the right to carry out by virtue of this Part of this Schedule.

(2) Sections 280 and 282 of the Town and Country Planning Act 1990 (c. 8) (measure of compensation to statutory undertakers) apply to compensation under this paragraph as they apply to compensation under section 279(4) of that Act.

Commencement Information

I6 Sch. 4 para. 14 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Electronic communications

15 (1) The reference in paragraph 9(1)(a) to apparatus vested in, or belonging to, statutory undertakers includes a reference to electronic communications apparatus kept installed for the purposes of an electronic communications code network.

(2) Where paragraph 9(1)(a) has effect as mentioned in sub-paragraph (1) above—

(a) any reference in this Part of this Schedule to statutory undertakers has effect as a reference to the operator of the electronic communications code network, and

(b) any reference in this Part of this Schedule to the appropriate Minister has effect as a reference to the Secretary of State for Business, Enterprise and Regulatory Reform.

Commencement Information

I7 Sch. 4 para. 15 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Status:
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