
STATUTORY INSTRUMENTS

1993 No. 1651

The Tunbridge Wells and Eridge Light Railway Order 1993

For protection of Seaboard plc

10. The following provisions shall have effect unless otherwise agreed in writing between the Company and the protected undertaker.

(1) In this article—

“electric line” means an electric line (as defined in the Electricity Act 1989(1)) and includes communication cables;

“electric plant” means any electric plant as defined in the Electricity Act 1989;

“emergency” means an accident or incident which may reasonably appear to the Company or the Operating Company to be an emergency;

“protected undertaker” means Seaboard plc and any successor;

“specified distance” in relation to any electric line or electric plant shall be measured from the point on the ground which is vertically above or below such line or plant and such distance shall be:—

four metres in relation to any overhead line or plant; and

two metres in relation to any surface electric line or plant;

“specified works” means:—

the raising of the level of the ground or the rails by more than one metre; or

the erection of any structure (including any poles or wires) over three metres high;

or the use of tools, implements, plant or machinery capable of extending to a height of over three metres above rail level.

(2) Nothing in this Order shall prejudice or affect the rights of the protected undertaker in respect of the electric line or electric plant situated in, under, over or upon the land to which the Order relates.

(3) Except in an emergency, before commencing any specified works within a specified distance of any electric line or electric plant the Company or the Operating Company shall give the protected undertaker not less than fourteen days' notice in writing of the proposed works and such works shall be executed only in accordance with such reasonable requirements as may be made by the protected undertaker for the protection of the electric line or electric plant, or for securing access to it.

Where such work is undertaken as the result of an emergency the Company or the Operating Company shall immediately or as soon as is reasonably practicable inform the protected undertaker by telephone of the intention to commence work, and the protected undertaker shall take such immediate steps as are necessary to protect the public, the staff or employees of the Company and the Operating Company, the emergency services and, where appropriate, their electric line or electric plant.

If by reason of any such works it is in the reasonable opinion of the protected undertaker necessary to raise, lower or otherwise alter the position of any electric line or electric plant,

(1) 1989 c. 29.

the expenses reasonably incurred in so doing shall be paid by the Company or the Operating Company.

(4) If by reason or in consequence of the execution or user by the Company or the Operating Company of any works authorised by this Order any damage to any electric line or electric plant or any interruption in the supply of electricity by the protected undertaker shall be caused, the Company or the Operating Company shall pay the cost of making good such damage or of restoring such supply, and shall make reasonable compensation to the protected undertaker for any loss sustained by them and indemnify them against all claims in respect of such damage or interruption.

(5) The protected undertaker shall make good and compensate the Company or the Operating Company for any injury or damage sustained by the Company or the Operating Company resulting from the collapse or failure of any electric line or electric plant (except such as may be due to the negligence or wrongful act of the Company or the Operating Company or its agents) and indemnify the Company or the Operating Company against all claims in respect thereof.