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*Changes to legislation: There are currently no known outstanding effects for the Waverley Railway (Scotland) Act 2006, SCHEDULE 8. (See end of Document for details)*

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## SCHEDULE 8

(introduced by section 33)

### STATUTORY UNDERTAKERS, ETC.

- 1 Subject to the provisions of this schedule, sections 224 to 227 of the 1997 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers, etc. to remove or re-site apparatus) shall apply in relation to any land which has been acquired under this Act, or which is held by the authorised undertaker and is appropriated or used (or about to be used) by it for the purposes of this Act or for purposes connected with this Act.
- 2 All such other provisions of the 1997 Act as apply for the purposes of the provisions applied by paragraph 1 above (including sections 228 to 231, which contain provisions consequential on the extinguishment of any rights under sections 224 and 225, and sections 232(2) to (4), 233 and 235, which provide for the payment of compensation) shall have effect accordingly.
- 3 In the provisions of the 1997 Act, as applied by paragraphs 1 and 2 above—
  - (a) references to the purpose of carrying out any development with a view to which land was acquired or appropriated are references to the purpose of carrying out the authorised works; and
  - (b) references to land acquired or appropriated as mentioned in section 224(1) of the 1997 Act are references to land acquired, appropriated or used as mentioned in paragraph 1 above.
- 4 Where any apparatus of a utility undertaker or of a public telecommunications operator is removed in pursuance of a notice or order given or made under section 224, 225 or 226 of the 1997 Act, as applied by paragraph 1 above, any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the authorised undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.
- 5 Paragraph 4 above shall not apply in the case of the removal of a public sewer, but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—
  - (a) the owner or occupier of premises the drains of which communicated with that sewer; or
  - (b) the owner of a private sewer which communicated with that sewer,shall be entitled to recover from the authorised undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the person's drain or sewer communicate with any other public sewer or with a private sewage disposal plant.
- 6 The provisions of the 1997 Act mentioned in paragraphs 1 and 2 above, as applied by those paragraphs, shall not have effect in relation to apparatus as respects which Part IV of the 1991 Act applies.
- 7 In this schedule—

“gas transporter” has the meaning given by section 7(1) of the Gas Act 1986 (c. 44);

“public telecommunications operator” means—

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- (a) a person authorised, by a licence to which section 9 of the Telecommunications Act 1984 (c. 12) applies, to run a public telecommunications system; or
  - (b) a person to whom the telecommunications code has been applied pursuant to section 10 of that Act; and
- “utility undertaker” means a person who is—
- (a) authorised by any enactment to carry on an undertaking for the supply of water;
  - (b) a gas transporter; or
  - (c) the holder of a licence under section 6 of the Electricity Act 1989 (c. 29),

and who is, or is deemed to be, a statutory undertaker within the meaning of section 214 of the 1997 Act.

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