
STATUTORY INSTRUMENTS

1999 No. 1306

The Wirral Tramway Order 1999

PART V

PROTECTIVE PROVISIONS

For the protection of public gas transporters

27.—(1) Nothing in this Order shall prejudice or affect the statutory or other rights of any public gas transporter in or relating to any pipe, main or apparatus belonging to them or for the maintenance of which they are responsible or any structure for the lodging therein of any pipe, main or apparatus being any pipe, main or apparatus or structure situate under, over or upon lands in or upon or near to which the authorised tramway or any part thereof is or may be constructed.

(2) Before commencing any works authorised by this Order under or over or which will or may affect any pipe, main or apparatus or structure belonging to a public gas transporter or for the maintenance of which a public gas transporter is responsible the undertaker shall give to the public gas transporter not less than 28 days' notice in writing accompanied by a plan and section of the proposed work and such work shall be executed only in accordance with the plan and section submitted and in accordance with such reasonable requirements as may be made by the public gas transporter for the protection of the pipe, main or apparatus or structure or for securing access thereto.

(3) The undertaker shall provide reasonable facilities at any time for the public gas transporter to monitor, inspect and supervise the execution of the authorised works and shall permit the public gas transporter to gain access to any of its pipes, mains or apparatus or structures at all times.

(4) Where a street is to be temporarily stopped up, altered or diverted pursuant to article 8 above—

- (a) the undertaker shall give notice in writing to the public gas transporters such notice being not less than 28 days;
- (b) the temporary stopping up, alteration or diversion of any street pursuant to article 8 above shall not affect any right of access enjoyed by a public gas transporter to use, inspect, maintain, adjust, repair or alter any pipe, main or apparatus or structure which at the time of the temporary stopping up, alteration or diversion is in the street.

(5) Where in connection with the authorised works, works are reasonably required for the relocation by a public gas transporter of such of its pipes, mains or apparatus or structures (whether or not such works are necessary because of the temporary stopping up of any street pursuant to article 8 above)—

- (a) the undertaker shall pay to the public gas transporter an amount equal to the cost reasonably incurred by the public gas transporter in or in connection with—
 - (a) the execution of the said relocation works;
 - (b) the doing of any other work or thing rendered necessary by the relocation works;
- (b) in the event that the public gas transporter in removing or diverting any pipe, main or apparatus or structure reasonably requires to carry out works on land held or owned or intended for use by the undertaker for the purpose of the authorised works, the provisions

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of the New Roads and Street Works Act 1991 with respect to the public gas transporter's rights and duties with respect to its apparatus in a street shall apply notwithstanding that the said land is not part of a street.

(6) If by reason or in consequence of the execution or use of any of the works authorised by this Order any damage is caused to any pipe, main or apparatus or structure of a public gas transporter or to any property of a public gas transporter or there is interruption in the conveyance of gas to any property by the public gas transporter the undertaker shall bear and pay the costs reasonably incurred by the public gas transporter in making good such damage or in restoring such conveyance of gas and the undertaker shall make reasonable compensation to the public gas transporter for any loss sustained by it and indemnify the public gas transporter from and against all claims, demands, costs, proceedings, damages and expenses which may be made or recovered from or incurred by the public gas transporter by reason of or in consequence of any such damage or interruption or the exercise by the undertaker of the powers of this Order.

(7) In this article, "public gas transporter" has the meaning given by section 7 of the Gas Act 1986⁽¹⁾.

(1) 1986 c. 44: A new section 7 was substituted by section 5 of the Gas Act 1995 c. 45.